

of the civil war be placed on the pension roll at \$12 per month—to the Committee on Invalid Pensions.

By Mr. HASKINS: Resolution of Reed and Rattan Workers' Union, No. 8693, of Brattleboro, Vt., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. HILDEBRANDT: Petition of Woman's Christian Temperance Union, of Wilmington, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HITT: Petition of United Brethren Church in Christ, Pine Creek Township, Ogle County, Ill., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LINDSAY: Protest of Lebanon Lodge, No. 117, Order of B'rith Abraham, Brooklyn, N. Y., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. LITTLE: Petition of retail druggists of Horatio, Ark., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. McCLEARY: Petition of retail druggists of Jackson County, Minn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Shoreham Lodge, No. 570, Brotherhood of Locomotive Firemen, Minneapolis, Minn., favoring the repeal of the desert-land and homestead-commutation acts—to the Committee on the Public Lands.

Also, resolutions of St. Paul Chamber of Commerce, in favor of improving the Ohio and Mississippi rivers—to the Committee on Rivers and Harbors.

Also, resolutions of St. Paul Chamber of Commerce, in favor of organizing Alaska into a Territory of the United States—to the Committee on the Territories.

Also, petition of W. M. Liggett, dean of the Minnesota Agricultural School, favoring House bill 15920—to the Committee on Interstate and Foreign Commerce.

Also, petition of Prof. Harry Snyder, of the Agricultural Experiment station of the University of Minnesota, favoring an increase of appropriation for investigation of nutrition of foods—to the Committee on Agriculture.

Also, petition of Prof. W. M. Hays, of the Agricultural Experiment station of the University of Minnesota, favoring generous treatment of the Department of Agriculture in the matter of department buildings—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: Resolutions of the Stock Growers' Association, held at Alliance, Nebr., relative to the land-leasing bill—to the Committee on the Public Lands.

Also, petition of East Washington Citizens' Association relative to reclamation of the flats of the Anacostia River—to the Committee on Appropriations.

By Mr. MICKEY: Petition of Ministerial Association of Monmouth, Ill., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MOODY: Resolution of the Board of Trade of Portland, Oreg., asking for a suitable number of submarine torpedo boats in the Columbia River between Portland and the sea—to the Committee on Naval Affairs.

Also, petitions of the Radical United Brethren Church and First United Brethren Church of Philomath, Oreg., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Chamber of Commerce of Portland, Oreg., asking that the capacity of the naval school be increased—to the Committee on Naval Affairs.

By Mr. MORGAN: Papers to accompany House bill 17081, granting a pension to Mary How—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 17082, for the relief of Thomas Beatty—to the Committee on Invalid Pensions.

By Mr. PADGETT: Papers to accompany bill relating to the correction of the military record of Edward W. Gobble—to the Committee on Military Affairs.

By Mr. ROBB: Petitions of J. R. Funk, Oscar Florence, G. M. Mockbee, W. T. Woolford, and other retail druggists, for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of Wayne Division, Order of Railway Conductors, Fort Wayne, Ind., favoring the passage of Senate bill 3560—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Resolutions of the National Board of Trade, Washington, D. C., favoring the passage of the bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Petition of druggists of Rocheport,

Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SHATTUC: Paper to accompany House bill 11081, granting an increase of pension to John Morlidge—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Petitions of the Woman's Christian Temperance Union of Kushequa, Pa., and citizens of Warren, Pa., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, protest of citizens of Warren, Pa., against repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Petition of F. D. Brigham, Ortonville, Mich., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting increase of pension to William Clark, a soldier in the war with Mexico—to the Committee on Pensions.

## SENATE.

WEDNESDAY, January 28, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. QUAY. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. I trust that will not be done, Mr. President.

The PRESIDENT pro tempore. Objection is made. The Secretary will resume the reading of the Journal.

The Secretary resumed the reading of the Journal, and after having read for ten minutes.

Mr. SCOTT. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The further reading is dispensed with. Without objection, the Journal will stand approved. It is approved.

### PETITIONS AND MEMORIALS.

Mr. PERKINS. I present a telegram, being a joint resolution of the legislature of California, in favor of the purchase of the Nacimiento ranch for a military instruction camp. The telegram is very short, and I ask that it may be printed in the RECORD.

Mr. LODGE. I ask that it may be read.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the memorial may be read. Is there objection?

There being no objection, the memorial was read and referred to the Committee on Military Affairs, as follows:

[Telegram.]

SACRAMENTO, CAL., January 27, 1903.

Hon. GEORGE C. PERKINS,  
Senator, Washington, D. C.:

Following is a true and correct copy of joint resolutions adopted January 23:

"Senate joint resolution No. 4, relative to an appropriation by Congress for the purchase of Nacimiento ranch for a military instruction camp.

"Whereas the Nacimiento ranch, in San Luis Obispo and Monterey counties, has been selected by the War Department for a military institution camp; and

"Whereas but one such camp has been ordered to be established on the Pacific coast: Therefore, be it

"Resolved by the senate and assembly of the State of California jointly, That we respectfully instruct our Senators and request our Representatives in the Congress of the United States to use all honorable means to secure such appropriation at this session of Congress.

"Resolved, That the secretary of the senate be directed to forward a copy of this resolution by telegraph to our Senators and Representatives in Congress."

FRANK J. BRANDON,  
Secretary of Senate.

Mr. CLAPP presented a petition of Ramsey County Lodge, No. 331, Order of B'rith Abraham, of St. Paul, Minn., and a petition of Minneapolis City Lodge, No. 63, Order of B'rith Abraham, of Minneapolis, Minn., praying for the enactment of legislation to modify the methods and practice employed by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

Mr. HOAR presented a petition of the city council of Salem, Mass., praying for the enactment of legislation to temporarily extend the privileges of the coasting laws to foreign steamers carrying coal between American ports; which was referred to the Committee on Commerce.

Mr. QUAY presented a petition of the Woman's Christian Temperance Union of Allegheny County, Pa., praying for the passage of the so-called immigration bill, and also for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and the Soldiers' Homes of the country; which was ordered to lie on the table.

Mr. FRYE presented the memorial of Benjamin S. Gratz, of Jobstown, N. J., remonstrating against the ratification of the Panama Canal treaty unless an absolute right be granted the

United States; which was referred to the Committee on Inter-oceanic Canals.

#### SCIENTIFIC WORK OF MAJ. WALTER REED.

Mr. MARTIN. I present a paper prepared by Maj. Jefferson Randolph Kean, a surgeon in the United States Army, on the scientific work and discoveries of the late Maj. Walter Reed, surgeon in the Army of the United States. I move that the paper be printed as a document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6375) for the relief of N. F. Palmer, jr., & Co., reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3502) for the relief of the estate of M. J. Greulich, deceased;

A bill (H. R. 11127) for the relief of the Propeller Tow Boat Company, of Savannah;

A bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga.;

A bill (H. R. 288) for relief of the Christian Church of Henderson, Ky.; and

A bill (H. R. 647) for the relief of William P. Marshall.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 6229) granting a pension to Patrick W. O'Donnell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11417) granting an increase of pension to Julia Anglada;

A bill (H. R. 15437) granting an increase of pension to Sarah A. Gerry;

A bill (H. R. 15438) granting an increase of pension to Thomas E. Peabody;

A bill (H. R. 1689) granting an increase of pension to Hiram S. Thompson;

A bill (H. R. 15439) granting an increase of pension to Jane P. Chester;

A bill (H. R. 2614) granting a pension to John Sullivan;

A bill (H. R. 13826) granting an increase of pension to Francis N. Bonneau;

A bill (H. R. 15754) granting a pension to Frances Cowie;

A bill (H. R. 15870) granting an increase of pension to John Smith;

A bill (H. R. 5898) granting an increase of pension to Reuben F. Carter; and

A bill (H. R. 16153) granting a pension to George W. Choate.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 6056) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition, reported it without amendment.

Mr. KITTREDGE. I am directed by the Committee on Claims, to whom was referred the joint resolution (S. R. 67) for the relief of Delphine P. Baker, to submit an adverse report thereon. I ask that the joint resolution be placed on the Calendar.

The PRESIDENT pro tempore. The joint resolution will be placed on the Calendar with the adverse report of the committee.

Mr. KITTREDGE, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6011) for the relief of Nye & Schneider Company; and

A bill (S. 5940) for the relief of Henry P. Montgomery.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 3504) granting an increase of pension to Grace A. Negley, reported it without amendment, and submitted a report thereon.

#### REPORT OF COMMISSIONER-GENERAL OF IMMIGRATION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PENROSE on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That there be printed at the Government Printing Office 2,000 additional copies of the annual report of the Commissioner-General of Immigration for the fiscal year ended June 30, 1902, with illustrations, said copies to be delivered to the Bureau of Immigration for distribution.

#### COMMITTEE ON RELATIONS WITH CUBA.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. PLATT of Connecticut,

reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Relations with Cuba be, and it is hereby, authorized to employ an assistant clerk at an annual salary of \$1,200, to be paid from the contingent fund of the Senate until otherwise provided for by law.

CORINNE G. BLACKBURN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted on the 26th instant by Mr. COCKRELL, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Corinne G. Blackburn, sister of Joe Blackburn, jr., late clerk to Senator J. C. S. BLACKBURN, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

MARY T. ULLMAN.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. KEAN on the 18th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Mary T. Ullman, only child of Vincent Ullman, late a carpenter in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

#### BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 7156) for the relief of Benjamin B. Coffey; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7157) for the relief of the estate of Walter A. Penney, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7158) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BERRY introduced a bill (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7160) for the relief of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased; and

A bill (S. 7161) for the relief of the Overton Hotel Company.

Mr. McLAURIN of Mississippi introduced a bill (S. 7162) for the relief of Gillie M. Pace; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 7163) for the relief of Samuel G. Searing; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7164) for the relief of A. F. Wood; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 7165) granting a pension to Ann Wilburn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 7166) granting an increase of pension to Fanny Farmer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 7167) for the relief of the owners and crew of the schooner Ella M. Doughty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

#### AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment proposing to appropriate \$15,750 to enable the Board of Children's Guardians of the District of Columbia to contract with the Hart Farm School for the care and maintenance of not less than 75 wards, directing the auditor for the District of Columbia to pay \$11,000 to the said Hart Farm School out of the money appropriated for the District of Columbia for the fiscal year ending June 30, 1903, and unlawfully withheld from that school, and proposing to appropriate \$6,000 to pay the Hart Farm School for damages for breach of contract entered into between the Board of Children's Guardians and William H. H. Hart on July 1, 1901, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FORAKER submitted an amendment relating to the admission as students at the Indian industrial school at Carlisle,

Pa., of 50 children of citizens of Porto Rico, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment, intended to be proposed by him to the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902; which was ordered to lie on the table, and be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 15449) to increase the efficiency of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$5,500 for 11 medical inspectors of public schools of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate \$3,000 for paving Twenty-second street from R street to Decatur place, and also proposing to appropriate \$5,000 for the improvement of Twenty-second street from Decatur place to S street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. QUAY submitted an amendment proposing statehood to the Territories of Oklahoma, Arizona, and New Mexico, intended to be proposed by him to the Agricultural appropriation bill; which was referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

He also submitted an amendment proposing statehood to the Territories of Oklahoma, Arizona, and New Mexico, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

#### PARK IMPROVEMENT PAPERS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That 200 copies of the park improvement papers be printed and bound for the use of the Senate Committee on the District of Columbia.

#### STATUS OF PENSION LEGISLATION.

Mr. GALLINGER. Mr. President, I ask unanimous consent to make a single observation in reference to pension legislation.

I wish to say to the Senate that the Committee on Pensions has before it at the present time approximately 300 House bills, possibly a few more than that number. The committees of the other House have almost an equal number of Senate bills before them. It has been agreed between the committees of the two Houses that for the balance of this session the Senate will for the most part consider House bills and the House will reciprocate by considering Senate bills. Therefore, no further reports will be made on Senate bills in the Senate except in a few instances where bills are now under consideration by the clerical force of the Committee on Pensions.

I give this notice for the purpose of relieving the chairman of the Committee on Pensions from importunities on the part of Senators and others for reports on Senate bills. It would be impossible to pass them through both Houses of Congress should they be reported, because the chances are, and indeed it is probably a fact, that in another body there will be only one further day given for the consideration of pension legislation.

#### SAFETY APPLIANCES ON RAILROADS.

Mr. CARMACK submitted the following resolution; which was read:

*Resolved*, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of all petitions and arguments made to it for and against extensions of time in which common carriers by railroad should comply with the act approved March 2, 1893, to promote the safety of employees and travelers upon railroads; also copies of all orders made by the Commission in respect to said act.

Mr. ALDRICH. Let the resolution go over.

Mr. HOAR. I should like to ask the Senator from Tennessee if calling for copies of all petitions, which I suppose are very numerous, on that subject, and many of them precisely the same, would not be likely to make a great deal of costly and entirely superfluous printing. A similar question came up in the Senate the other day in regard to a resolution which I myself offered for petitions from some labor organizations. I contented myself there with having only one petition printed where there were a number identical in substance.

Mr. CARMACK. I should think that if a number of these petitions were identical they would not, of course, be duplicated. I will say to the Senator that I am not asking for the present consideration of the resolution.

Mr. HOAR. I do not want to intermeddle with anything he desires for his information as a Senator, but I hope the Senator

will look at the resolution and see if that can not be provided against.

Mr. HALE. Let it go over for one day.

Mr. CARMACK. It does go over. I am obliged to the Senator from Massachusetts for his suggestion.

The PRESIDENT pro tempore. The resolution will go over under the rule.

#### ISLE OF PINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. CARMACK, as follows:

*Resolved by the Senate of the United States*, That the President of the United States be requested to inform the Senate whether the Government of the Republic of Cuba is exercising right of sovereignty and control over the Isle of Pines, and whether any, and if so, what, instructions have been given for the transfer of said island from the control of the authorities of the United States to those of the Republic of Cuba, and what steps, if any, have been taken to protect the interests of such citizens of the United States as have purchased property and settled in the Isle of Pines believing that it was subject to the sovereignty of the United States.

Mr. ALDRICH. Mr. President, the Senator from Connecticut [Mr. PLATT], the chairman of the Committee on Relations with Cuba, is absent from the Chamber this morning, and I would suggest to the Senator from Tennessee that the resolution go over until that Senator can be present.

Mr. CARMACK. Very well.

Mr. HALE. Retaining its place.

Mr. ALDRICH. Retaining its place.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the resolution may lie on the table, holding its place. Is there objection? The Chair hears none, and it is so ordered.

#### COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution, coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. RAWLINS, as follows:

*Be it resolved by the Senate*, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also what action was taken by the President or the Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that the records in full of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit:

That on Brig. Gen. Jacob H. Smith.

That on Maj. Edwin F. Glenn, Fifth Infantry.

That on Lieut. Edwin A. Hickman, First Cavalry.

That on Lieut. J. H. A. Day, Marine Corps.

That on Maj. L. W. T. Waller, of the Marine Corps.

That on Lieut. Preston Brown, Second Infantry.

That on Capt. James A. Ryan, Fifteenth Cavalry.

That on Lieut. — Cooke.

That on Lieut. Julian E. Gaiyot.

That on Lieut. N. E. Cook, of the Philippine Scouts.

That on Lieut. W. S. Sinclair, battalion adjutant, Twenty-eighth Infantry.

Also, any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900, also any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

Mr. LODGE. Mr. President, I asked yesterday that this resolution should go over that I might have an opportunity to examine it. I have examined it since. It asks for an immense mass of papers upon subjects which were very fully discussed here during the last session. I can not myself see what purpose is served by demanding these immense quantities of papers for printing. But, in any event, it seems to me that we ought first to inquire a little more carefully into what is asked and ascertain how much we want to have sent in.

Last year there was a request for the record in the case of Major Waller, and owing to the fact that the record was in the Philippine Islands, it was not received until after the adjournment of Congress. It was sent into Congress in response to that resolution at the beginning of the present session, and I laid it before the committee at, I think, their first meeting. The committee did not seem to think it desirable to print such a mass of testimony of all kinds and such a voluminous record. So it has remained in the committee unprinted. But it will give some idea of what is asked for by this resolution. The Waller record, which I hold in my hand, is 631 typewritten pages—long pages. It would make in the neighborhood of 500 pages of print, as nearly as I have been able to calculate.

The pending resolution asks for the records of ten courts-martial. It will involve the printing of probably four or five thousand pages. We do not know whether there is anything of interest or value in the records of these courts-martial. We do not know what they may contain. There is nothing set forth in regard to

them except the names. The records of some of them are undoubtedly in the Philippine Islands. I do not know but that all of them may be there. The record of the court-martial of Major Glenn, which has just been concluded, must be there. The mere fact of getting the records from Manila will involve in many cases some months of delay. It seems to me that under those circumstances a drag-net resolution of this kind, asking for what will amount to thousands of printed pages of records, ought to be examined a little more carefully by the committee before it is adopted by the Senate.

I shall therefore move to refer the resolution to the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator from Massachusetts moves a reference of the resolution to the Committee on the Philippines.

Mr. RAWLINS. Mr. President, this resolution calls for the records of courts-martial in cases which are of great public importance to the people of the United States. The objection, and the only objection, urged by the Senator from Massachusetts to the adoption of the resolution is that these records are voluminous and if sent to the Senate and printed they would cover a large number of pages.

Mr. President, it occurs to me that that is not a sufficient objection to the passage of the resolution in the ordinary form. The resolution is not a drag-net resolution, but is entirely specific.

It asks for the record of the court-martial of Brig. Gen. Jacob H. Smith. There is much discussion throughout the country relating to the action which was taken in regard to General Smith. I have had requests for the proceedings in these cases, and I find that it is impossible to obtain them.

Another case which is mentioned in the resolution, the record of which is sought to be obtained, is that relating to the torturing to death of an American soldier in the Philippine Islands. The neighbors and friends of this soldier are naturally desirous of obtaining the exact truth as disclosed in the case, and as to the manner by which the death of the soldier was brought about. That record is called for in the resolution. That the death of the soldier occurred, that he was tortured, and that it was done under the direction of an officer in the United States Army seems not to have been disputed. The relatives and neighbors of the boy who thus came to his death are desirous of obtaining information which will enable them to have justice done in this case, if it has not already been done. The record in this case is in the War Department now. Application made there for a copy of the record has, I am informed, been denied.

Mr. ALLISON. What case is that?

Mr. RAWLINS. It is the case of Lieutenant Sinclair, as I understand it, which is embodied in this resolution. He was court-martialed on the charge that he had caused the death of an American soldier by torture.

Mr. LODGE. What application has been denied? Do I understand the Senator to say that an application has been denied?

Mr. RAWLINS. The application for a copy of the record in this case, which related to the death of this soldier, was denied at the War Department.

Mr. LODGE. I was not aware that any of these records had been asked for except in the Waller case.

Mr. RAWLINS. I refer to information which was brought to my attention, which, among other things, led me to the introduction of this resolution.

Mr. LODGE. But the request has never been made of the War Department by the Senate before?

Mr. RAWLINS. I did not say that it was made by the Senate.

Mr. LODGE. Oh, it was made by a private source?

Mr. RAWLINS. I stated that it was made by persons who were neighbors and acquaintances of this soldier, who is alleged to have been tortured to death by the direction of an American officer.

Mr. LODGE. Is it usual for the Department to furnish records of courts-martial to anyone who asks for them?

Mr. RAWLINS. I do not know as to that. I suppose not. But, Mr. President, that is the reason why it is necessary that this resolution should be passed by the Senate. Every one of the cases mentioned in the resolution is a case of great public importance, concerning which the people of the United States are entitled to accurate information. The facts in relation to them occurred in the Philippine Islands. It is impossible to obtain the information through the government of the islands. As has already been stated by the Senator from Massachusetts, it is impossible to get the information from the records of the War Department.

Now, I will state to the Senate what I am informed are the circumstances relating to one case where a court-martial was had and the officer involved was acquitted. Yet I am informed that the testimony in this case shows that the officer had caused the torturing to death of an American soldier without excuse or without provocation.

Another case to which reference is made in the resolution is as to the death of Father Augustine. I am advised that information as to that case has been communicated to the War Department; that this priest was tortured deliberately in cold blood, and tortured to death, with a view to obtaining funds of which he was believed to be in possession. We have been advised that the men who were guilty of this crime are in the United States, and not subject to the jurisdiction of the government of the Philippine Islands. It is important, it seems to me, for the Senate to know whether it is possible, in these possessions within the control of the United States, for a deliberate, cruel murder to be committed, and that the men who are charged with the commission of the crime upon returning to the United States can go unwhipped of justice.

Such is the condition of the law under existing circumstances, and I think Congress should know the facts so to be able to provide the remedy. Congress can not act intelligently upon these matters unless they know the facts in respect to which they ought to legislate.

Among other things sought for by this resolution is information from the War Department as to the facts in this case and as to the legal conclusions that have been reported to the War Department by the Department of Justice as to the adequacy or inadequacy of our laws to reach culprits who have been guilty of this crime.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. RAWLINS. I yield.

Mr. CARMACK. I was diverted for a time, and did not hear part of the remarks of the Senator. May I inquire of him to what case he is referring?

Mr. RAWLINS. The case of Father Augustine.

We ask in this resolution for the records of the court-martial of Glenn. It seems he has twice been subjected to court-martial. In the first instance he was acquitted by the court-martial, and the acquittal was disapproved by the President. In any event, we are entitled to accurate information in regard to this case. Subsequently the same officer was subjected a second time to another court-martial. Those proceedings have recently terminated. It may be that they are not yet in the possession of the War Department in this city, but if we are correctly advised in regard to this last case, it is one of great public importance to the people of the United States. In that last case our information is that Glenn has been acquitted. The charge against him was that of causing the death of prisoners of war in violation of every rule of civilized warfare. We are advised that his defense in this case was that he had executed the order of the commander in chief of our forces in the islands. That defense seems to have prevailed. Without more accurate information we can only infer that it prevailed on the ground that he had thus been ordered to execute prisoners in his custody without trial.

There is not one of these cases which are specifically mentioned here—less than a dozen of them in all—which are not cases that have been the subject of public discussion throughout the United States.

At the last session I felt justified in bringing to the attention of the Senate the facts disclosed in the investigations of the Philippines Committee of what had occurred in the islands, to the end that the wrongs which were then shown might be rectified, that the people of the United States might be advised, and that such remedial steps might be taken as would prevent in the future such conduct on the part of those representing the United States in the islands.

Mr. President, we are met at the threshold of this case with the objection that these records are too voluminous—so voluminous that we ought not to have this information; so voluminous that it will require some 2,000 pages if we put them in print; so voluminous that it will take a few hundred dollars out of the public Treasury by way of expense in order that this information of public importance may be placed within the reach of the people—an objection which is so puerile, in my judgment, so absurd, that it can not be taken as a serious objection. It is only presented, in my opinion, to hide the real objection to these disclosures, namely, that there has been such conduct on the part of some of the officers and men in the Philippine Islands that if the truth were known by the American people it would cause them to be indignant at the outrages which have been committed. One scapegoat—General Smith—we have had, and no more. Another has been charged upon the sworn testimony of eye witnesses with cold-blooded murder for the purpose of robbery within our borders who so far has gone unwhipped of justice. We ask for information at the War Department and it is refused; and now I present a resolution to the Senate in order that the people who may be interested in the enforcement of law, in the administration of justice, may have sufficient information upon which to

base action, and it is said that they can not have it because it would require 2,000 pages to be printed as a document and the expenditure of a few hundred dollars out of the public Treasury.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. RAWLINS. I yield.

Mr. BEVERIDGE. For information I would like the Senator to state who is charged with cold-blooded murder. That is the question.

Mr. RAWLINS. Mr. President, I have seen affidavits by soldiers and officers of the United States to the effect that Father Augustine was subjected to torture until his death; that the purpose of inflicting that torture was to compel him to disclose the whereabouts of treasure of which it was claimed he had knowledge. Failing to get the information, the torture was repeated until finally his life was taken. That was done under the direction of an officer of the United States, and the charge is based upon testimony which has been taken; and affidavits from witnesses, which I have seen, disclose these facts. And, Mr. President, I am informed that that case has been presented to the War Department and is part of the records of that Department. That case is asked to be sent to the Senate by this resolution.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. RAWLINS. I yield.

Mr. BEVERIDGE. With all possible respect to the Senator from Utah, I submit that not even he would claim that that is an answer to my question. The Senator has made a very grave charge here and in very grave language, to wit, that some officer bearing the commission of the United States, or some soldier wearing its uniform, has been guilty of "cold-blooded murder." "Cold-blooded murder!"—those were the Senator's words. Now, I ask the Senator, who is charged with cold-blooded murder? What is his name? A charge like that, Mr. President, should be made specific.

Mr. RAWLINS. The Senator knows the name as well as I.

Mr. BEVERIDGE. I do not know the name.

Mr. RAWLINS. The information is as accessible to the Senator as it is to me, and more so. It is based upon the sworn testimony of soldiers in the United States Army. The case has been made up by leading citizens, who would not think of instigating such a charge except upon sufficient foundation. It was presented to the War Department, and the answer of the Secretary of War, if I have not been misinformed, was to the effect not that this charge was not true, but that the men who had been guilty of the crime had left the islands and were now within the borders of the United States; and, as I understand it, that there was no means now by which to cause their return to the place where the crime was committed in order that they might be prosecuted and punished.

The Senator from Massachusetts the other day confirmed what I now state by the introduction of a bill, which is pending here, providing for the return of persons thus charged with crime from the United States to the islands, in order that they might be prosecuted and punished.

I am not making a charge against the War Department or anyone else. I am simply, by this resolution, asking for information, and the Senator from Indiana can not with consistency claim that I ought to disclose the case, present the proof upon which it is based, and at the same time seek to circumvent and prevent the only process by which the information can be obtained. If the Senator from Indiana and the Senator from Massachusetts are acting in good faith in this matter, in order that justice may be done, that wrong may be punished, then they can not consistently object to the only method which is now available for obtaining accurate information, so that only those who are guilty may be accused and those who are innocent may not be accused.

I am not here to say that any particular individual is guilty of murder, but from the circumstances disclosed and the information made public we have reason to infer that a foul crime has been committed and that somebody is guilty of that crime. We have the high authority of the Secretary of War, in response to a letter addressed to him, to the effect that the criminal who is guilty of that crime is within our borders, but under the present condition of the law he can not be reached.

When we have legislation on this important subject, involving the question as to whether in one of our possessions men may be murdered in cold blood, and whether those who may be responsible for that, having escaped to this country, can go unwhipped of justice, I should like to know how and why it is that we can not, by a simple resolution, call for information bearing upon this question, known to be in the possession of the War Department, and which, under existing circumstances, is not available to the House of Representatives or to the Senate.

Mr. President, one word further in relation to this matter. For political ends in advance of an election, to best subserve and promote the interests of the dominant party, I could well understand that suppression of facts temporarily might be sought in order to meet a political exigency; but the election is now over and, at least so far as I am concerned, there is no question of political triumph involved in this matter; but we find here these records involving facts of greater or less notoriety, involving the honor of the people of the United States, involving the integrity and the honor of the Army of the United States, or persons who have for the time being been charged with authority in that Army.

I insist, Mr. President, that while what I say may be futile as influencing action at present, the motion of the Senator from Massachusetts ought not to prevail, and upon that motion I shall ask for the yeas and nays.

Mr. BEVERIDGE. Mr. President, I had entertained the hope, which I think was held in common by all upon one side and most upon the other side of this Chamber, that we had come to an end of the policy of badger of American soldiers and American officers. It was not my intention, but the exact contrary, to say one word upon this resolution. But I was astonished that the Senator's earnestness compelled him to utter words which demand from him more definite and particular details. The Senator used the words that cold-blooded murder had been committed by some one bearing the commission of the United States or some soldier wearing its uniform.

That is a charge, Mr. President, which can not be made in a general way. The Army of the United States is, as a body, not to rest under the red brand of those words of the Senator from Utah. Therefore he owes it to the Senate, he owes it to the country, and, most of all, he owes it to himself that he shall be relieved of the inference that anyone must necessarily draw, that he applies this general term to everybody. And if it does not apply to everybody, to whom does it apply?

Mr. RAWLINS. Mr. President, if the Senator will permit me—

Mr. BEVERIDGE. Certainly.

Mr. RAWLINS. The Senator has little conception of the meaning of the English language if he so interprets what I said as that I charge any specific individual with murder. What I said was that by the sworn affidavits of eyewitnesses, American soldiers, this charge had been made; that I had seen those affidavits, and that those affidavits had been laid before the War Department.

I do not permit the Senator from Indiana, following the example of those upon the political hustings to meet a political exigency, to put words into my mouth which I did not utter; but, if he undertakes to do it, I will call his attention to it and ask him to rise to the dignity of a Senator and pretend, at least, to be fair. It is the old charge when we have called attention to tortures, which have proved to be true, that we have been arraigning the American Army. It is a false and infamous charge, and I cram it down the throats of the men who have falsely given it utterance, let it apply to whomsoever it may.

When I rise here to demand the vindication of justice, and when I do it upon the basis of sworn affidavits of American soldiers, when I ask for further information, the Senator undertakes to impute to me that I am falsely accusing American soldiers. I brand that statement as infamous, if not cowardly, and as simply attempting to put me in a false position, which I will not occupy.

Mr. BEVERIDGE. If that is the best explanation the Senator can give for his remarkable language here, I think the best friend the Senator has would advise him to accept the alternative of silence.

Mr. President, I did not accuse the Senator with falsely making a charge. The RECORD shows what the Senator said; we all heard what the Senator said; it was that cold-blooded murder had been committed. The Senator says that he did not make a specific charge. That is the point I make, Mr. President. I want the Senator to make that charge specific.

So long as I have a voice, Mr. President, the American Army and the American soldier in general shall not rest under that aspersion no matter from what source it comes. When the Senator uses that language, he knows that he is using serious words, and he ought to be prepared to specify the criminal and not cast suspicion on all who wear the uniform of the United States.

Mr. President, what inference can be drawn from the Senator's language except that somebody has done this deed? He says, "I do not say who;" and therefore the country is left to infer that it is anybody who marches under the colors of the Republic. The Senator says that—to use his elegant language—he will "cram that down the throat" of somebody or other, but I imagine when he undertakes that he will have to cram it down the throats of the entire American people.

What I am objecting to, what I think Senators on both sides of the Chamber object to, and what I imagine that the people of

the country object to, is that there shall be an indefinite, intangible, diaphanous charge of bloody murder, red and crimson, made against the whole great organization of the Army of the United States, thereby putting under suspicion any man who wears our uniform. They will desire that the Senator shall specify who is guilty of the crime. When, therefore, the Senator says that he makes no specific charge, he makes the precise point to which I wish to call the Senator's attention.

I say, Mr. President, as I said in the beginning, that I had hoped that the exigency having passed, we had reached an end—put a period to the policy of aspersion which the Senator and others pursued last session with vigor, and, I am willing to admit, with ability, though conspicuously not with success. Therefore when the Senator makes these charges, perhaps in words more violent than any he has yet employed, it devolves upon him to make them specific, or else to frankly say that he does not think they apply to this man or the other man in the American Army.

Mr. President, the Senator has said something about a political exigency, which it was supposed we of the majority were required to meet. Well, the debate at the last session did spring out of a political exigency, but we were not the people who were in the emergency. It was not our exigency. It was necessary that an issue should be created for a party which was without one, for a party which had been orphaned of all issues, and Senators on the opposition side thought that they had found one in the conduct of the American soldiers. Therefore they instituted an inquiry, a so-called investigation of outrages by American soldiers upon the people of the Philippines, and many a speech, earnest and lurid, was made upon that subject. Why, Mr. President, that was the origin of the debate; and the exigency out of which it grew was the exigency of not having an issue in which the Senator from Utah and his associates found themselves. Well, that plan never succeeded, that issue hardly reached the hustings; it was almost stillborn; and if it did reach the hustings, if it did reach the people, the people repudiated it as they have seldom repudiated anything in American politics. They repudiated it as they have always repudiated, and, thank God, always will repudiate, an unjustified assault upon the soldiers who wear their colors.

I should like to know why it is, Mr. President, that the Senator from Utah, otherwise always fair, always almost judicial, seems to find it necessary, upon rumor or statement, no matter from what source it shall come, to impugn the conduct of American soldiers. Simply because they wear our uniform is no reason why they are outragers of women or murderers of men. On the contrary, I think the American soldier of to-day is the worthy successor of the American soldier of forty years ago, of those who fought in Mexico, and of those who fought in the revolution. They have the same uprightness of character, the same kindliness of conduct, the same courage in battle, the same invincibility on the field—men of high spirit, men who have come from the bosom of American homes, with all the ideals which American homes inspire.

Therefore, Mr. President, I think the Senator himself has given the best argument and the best reason why this resolution should not be adopted.

Mr. HOAR. Mr. President, may I ask the Senator from Indiana a question before he sits down?

Mr. BEVERIDGE. Certainly.

Mr. HOAR. I should like to ask the Senator, who has special means of information on this subject, if there has been such a court-martial as is described in the concluding sentence of the resolution which is now pending?

Mr. BEVERIDGE. I will say to the Senator that I do not know; and I will say further to the Senator—

Mr. HOAR. Will the Senator send me the resolution so that I may have it before me?

Mr. BEVERIDGE. Certainly.

I will say further to the Senator that it had not been my intention at all to give the slightest attention, so far as any speaking was concerned, to the resolution until I sat here and heard the language of the Senator from Utah, which I thought called upon me for an immediate reply, and which was broader, I think, than the Senator from Utah really, perhaps, meant to use. Nevertheless, it could not be permitted to go out in its original illimitableness without putting upon it some reasonable limitation.

Mr. HOAR. I understand that, but that does not answer the question I put to the Senator.

Mr. BEVERIDGE. I did answer the question of the Senator by saying that I did not know.

Mr. HOAR. Very well. Now, if it be true that there has been such a court-martial, as the Senator from Utah asked for the record of, it must be the record of a United States investigation. The resolution asks for—

Any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of

the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900.

It must be true, then, must it not, that the authority of the United States Government itself has charged this man with that offense?

Mr. LODGE. If my colleague will excuse me, there is no statement that there was a court-martial in this case.

Mr. HOAR. That is what I asked the Senator from Indiana, whether he was informed in regard to that.

Mr. LODGE. The resolution is that the Secretary of War shall report the result of an investigation in regard to it.

Mr. HOAR. I understand, and my question was to elicit that very point—whether the Senator from Indiana is informed that there has or has not been a court-martial on this gentleman.

Mr. BEVERIDGE. I am not informed; but I will say further, in answer to the Senator, that even if so, or even if otherwise it does not follow that we ought as a matter of policy to bring here, what perhaps we have a right to bring here, these records. At least I would never consent to it, for the reason urged by the Senator from Utah, which was that it might make the American people indignant.

Mr. HOAR. I am not, if the Senator will pardon me, dealing with that question, and I am not informed in this debate. It is said by the Senator, with great warmth and earnestness, that there have been certain charges made against American soldiers, by the Senator from Utah and others, of cruelties, and, in this particular case, of putting a clergyman to death by cruelty. My question is—I might extend it a little—whenever there has been a court-martial for such a crime, whether the United States Government has not made that charge? Whether in this particular case there has been a court-martial or not, the Senator does not know. My proposition, which I want to ask the Senator to consider, is whether it is quite fair to impute to anybody a desire to attack the American Army when the Government of the United States itself, through its military authorities, has in a great many cases at least made such charges?

Mr. BEVERIDGE. Mr. President, the Senator, I observe, honored me with his attention.

Mr. HOAR. I did.

Mr. BEVERIDGE. I call the Senator's attention to the fact that I rose to respond not to the resolution, but to the statement of the Senator from Utah, which I said then, and say now, I think broader than he would otherwise have used, but which could not be permitted to go on, that there had been cold-blooded murder—those were the words—committed by some one in the Army. I thought then that that should draw forth the question as to who had been guilty of this cold-blooded murder, and that drew out the response that the Senator made no specific charge. That left the charge resting upon the American Army in general that cold-blooded murder had been committed somewhere within its ranks, but the Senator would not take the responsibility of pointing it out, and that made necessary what seemed to me to be an answer to that general charge as not being reasonable or justified.

Mr. HOAR. Well, Mr. President, but the Senator from Utah based whatever he said—whether it was more extreme than was proper I do not know, and I am not saying as to that—but he based that statement on a request for a particular investigation by the War Department.

Mr. BEVERIDGE. Yes, an investigation upon a charge which the Senator in his speech was not willing to make specific. I was not so much objecting to his resolution—I had not given it any attention—as I was to the Senator's rather remarkable remarks.

Mr. HOAR. I do not know, but I suppose all remarks are remarkable. [Laughter.]

Mr. BEVERIDGE. I do not think they are, Mr. President. [Laughter.]

Mr. CARMACK. Mr. President, whenever an effort has been made by Senators upon this side of the Chamber to discover the truth as to what is going on and what has been done in the Philippines, they are met by Senators on the other side of the Chamber, who have been as eager and zealous in their efforts to suppress the truth, with the charge that we are assailing the honor of the American Army. Mr. President, of all the mean and miserable lies that crawled through the last campaign, this charge that we have assailed the American Army is the meanest, the lowest, and the dirtiest of them all. It has been the very vermin of this debate; and I am very greatly surprised to find it crawling in the hair of the honorable Senator from Indiana [Mr. BEVERIDGE].

Assailing the American Army! Mr. President, Jake Smith is no more the American Army than the Senator from Indiana is the American Senate, and not half so much as he thinks he is. [Laughter.]

Here is a simple proposition, a resolution calling for information, specific information, with respect to specific cases, where court-martial proceedings have been had, in cases where, as the Senator from Massachusetts [Mr. HOAR] says, charges have been

made by the Government of the United States. We seek to learn for the benefit of the American people that which the War Department knows, but which it is determined that the American people shall not know; and because we simply ask for this specific information in specific cases we are met with the old, ridiculous, contemptible charge that we are assailing the honor of the American Army.

Mr. President, in what I have to say I intend to be within the rules. My present remarks, therefore, must not be understood as applying to any member of the Senate. Making that reservation, for the sake of being within the rules of the Senate, I say that whoever makes that charge, from the very highest to the very lowest, consciously takes a falsehood upon his lips when he utters it.

Mr. President, we are seeking for information which the Philippine Committee, or a majority of the Philippine Committee, have determined that we shall not have. They have suppressed an investigation ordered by the American Senate. They have refused to investigate the facts in the case of the alleged murder of Father Augustine. There are numbers of other cases in which names of witnesses were laid before that committee.

The Senator from Indiana demands to know who is charged. He had an opportunity to find the truth if he had not been determined that the American people should not know the truth. He has refused to investigate these matters; he has refused to permit witnesses to come before the Philippine Committee; and yet he says because we want the truth known, because we are seeking it from the War Department, because we ask them to lay facts before the Senate, that this constitutes a charge against the American Army.

Who made the charge? We have it on high authority that the court-martial trials in the Philippine Islands have been farcical; that men have been acquitted where they were guilty of the most heinous crimes. General MacArthur again and again disapproved the findings of the courts-martial on the ground that men guilty of the most infamous practices were either acquitted or subjected to a very light and insufficient punishment. Why have we not a right to know these things?

Mr. President, from the very beginning of this war there has been a policy of suppression. And these charges, sir, did not originate with Democratic Senators. They came from the representatives of great Republican newspapers there on the ground, who charged these crimes, and who said that the facts were suppressed and concealed; and the so-called investigations of the War Department have been shown by the records to be farcical and to be made simply for the purpose of whitewashing crimes and criminals.

We had a case before our committee, the case of Sergeant Riley. Every member of the committee admitted that his testimony was true. They said it was not necessary to call other witnesses to substantiate it. Yet the War Department had published the charge broadcast over the country that this man was a liar, and had admitted that he was a liar; that he had admitted that the story he wrote in his letter of the application of the water torture was not true. When he was brought before the committee he showed, and the committee admitted it to be true, that not only was the statement in his letter correct, but that the Army officer detailed by the Secretary of War to make that investigation had made a dishonest investigation and a false and untruthful report. Yet that officer never was punished. He was never even reprimanded by the President or by the Secretary of War.

Sir, we had a case—it is official; it does not rest upon the testimony of any witness; it appears in the official reports—where a charge had been made of the murder of prisoners, and though the Inspector-General in his report showed very clearly that he thought an American officer had been guilty of the murder of those prisoners, the only recommendation was the court-martial of a single private. When it came to Judge-Advocate Crowder, he wrote his indorsement upon the back of it that it would not do to press the court-martial against the private, because he would defend himself by saying that he acted under the orders of his superior officer and the facts developed would implicate too many others. The court-martial investigation was stopped on the express ground that the murder of prisoners was too common a practice by officers of the United States to bear investigation.

Mr. President, in the Glenn court-martial, which has been going on over there, he defended himself on the ground that the orders issued by Chaffee and Smith authorized him and other officers to commit these outrages. Major Glenn, in testifying, said that General Chaffee said to him:

I want you to go to Samar to help Gen. Jacob Smith. I do not know the conditions in Samar. Smith makes no report to me. I do not want him to make any.

And Captain Swain swore in that trial—that he informed General Smith that several thousand of the residents of his district who had been driven into the mountains had become friendly to the Americans, and that they must be allowed to return to their homes, or

they would starve. General Smith, according to the witness, replied: "Let them die. The sooner they die the sooner we will have peace."

Mr. President, I say we have a right, and the American people have a right, to get the facts in this case; and I want to say that the War Department in no single case has prosecuted an investigation which has brought to light a single fact until the facts had become notorious and been published broadcast throughout the United States.

The President has declared that he intended to prosecute a rigid investigation and to punish all those who had been guilty of these crimes. If the Administration did it was because they were driven to it by the minority in the Senate and by gentlemen whom they have denounced in the bitterest terms—the members of the Anti-Imperialist League. Whatever investigation they have made they have been forced to make by them. Then they turn "like a dog that is compelled to fight, and snatch at the master that doth tarre him on."

Mr. President, this is a very simple question. If the majority of the Senate want to know the truth they will pass this resolution. If they wish to proceed as they have proceeded from the beginning, upon the idea of suppressing the truth and keeping the knowledge of it from the American people, they will smother and defeat it.

Mr. BEVERIDGE. Mr. President, I admire the Senator from Tennessee [Mr. CARMACK] for many things—for his eloquence, his ability, his industry, his kindly heart, but most of all for his versatility; and I am bound to say that whatever rôle he essays he carries out with distinction and address. We have this morning an example of that in his effort to represent the statue of Truth Enlightening the Senate. [Laughter.] The Senator has assumed the rôle of the Apostle of Veracity without a single disciple. He has taken the position of president of the great monopoly or trust engaged in the exclusive business of the search for truth.

But let us see whether or not the Senator's recollection is correct. The Senator is a fellow-member with myself of the Committee on the Philippines. He says that the investigation which the Senate ordered was suppressed. When was it suppressed; by what method was it suppressed, and why does the Senator say so? Is not this the reason the Senator says so? Because it did not result as the Senator had hoped it would result. It did not result in putting upon the American Army and the conduct of the Government in the Philippines the brand which the Senator had thought would be placed there, but it resulted instead in their complete and brilliant vindication.

Mr. President, for weeks and months that investigation proceeded. No limit was put on the examination of witnesses. If any witness was not called by the committee, except Miss Lopez, I have forgotten it; and the reasons for not calling her were, I think, discussed in the Senate.

Mr. CARMACK rose.

Mr. BEVERIDGE. If there is any other, remind me of it.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER (Mr. BURROWS in the chair). Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. I want to ask the Senator if he knows how much time was devoted by the committee to the investigation of charges of outrages committed in the Philippine Islands?

Mr. BEVERIDGE. Not to the day and hour. Perhaps the Senator can tell me.

Mr. CARMACK. I will say for the Senator's benefit that of course we spent only from an hour to an hour and a half a day in the investigation, and a great part of the time, by very much the larger portion of the time, was devoted to investigation along other lines. If the committee had sat continuously for seven hours a day, it could have completed all the investigation it made with respect to charges of outrages in four days. That was the time actually spent by the committee on that question, though the Secretary of War, with his usual loose and lavish unverity, said it was five months.

Mr. BEVERIDGE. Mr. President, time—hours, minutes—I submit to any practitioner of the law or any member of this body, constitute no measure of work done. The answer to the Senator is sufficient when it is reflected and recalled by the Senate that the report of the committee's investigation occupied between three and four thousand pages, or even more, two volumes, closely printed, each as large as this [exhibiting]. A further fact will sufficiently answer the Senator.

Mr. CARMACK. Does the Senator mean—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. Does the Senator mean that there were three or four thousand pages devoted to an investigation of the charges of outrages in the Philippine Islands? Does the Senator say that?

Mr. BEVERIDGE. I say the investigation, in obedience to the Senate's resolution, and in which the Senator participated very ably, and in which all the other Senators upon the minority side of the Senate participated with more or less ability, and all with equal vigor, occupied that many pages.

Mr. CARMACK. My point is, the Senator says we spent several months investigating charges of outrages in the Philippine Islands, and that the book occupies three or four thousand pages, containing the result of the investigation of the committee.

Mr. BEVERIDGE. Yes.

Mr. CARMACK. I say that the committee did not spend more than four days, and perhaps a hundred and fifty pages would cover all the testimony that was taken, upon that point; and I say further that a majority of the committee suppressed the investigation just at the time when the most important witnesses were to testify before the committee, and refused to summon a single one of those witnesses or to permit them to come before the committee, and it occupies the same attitude at this session of Congress.

We had the witnesses in the case of Father Augustine, and numbers of other witnesses; the Senator from Massachusetts [Mr. LODGE] said a list as long as his arm. And he made the distinct promise here, upon the floor of the Senate, that if we would allow the Philippine bill to come to a vote on a certain day, he would proceed immediately with the investigation. We permitted the bill to come to a vote, and the Senator from Massachusetts fled from the city of Washington, and never could we get another meeting of the Philippine Committee. That is the truth.

Mr. BEVERIDGE. If, as the Senator says (and I should be slow to dispute any statement the Senator deliberately makes), the investigation of the so-called outrages occupies a less number than 3,000 pages, I call attention to the fact that it was the Senator's fault and the fault of his associates, because this whole Republic, in which there were tens of thousands of soldiers who had been in the Philippines, was searched as with a drag net for those who, from discontent or any other motive, would testify against their comrades or their officers.

When the name of one of those was laid before the chairman of the committee—and many of them were so laid by the Senator himself—my information and understanding were that they were immediately subpoenaed; and I remember, and the Senator remembers, that on one occasion we had two or three soldiers here at a time.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.

Mr. CARMACK. The Senator says that when these names were laid before the chairman of the committee he immediately had the persons subpoenaed. That is just exactly what the chairman of the committee did not do, and just exactly what he refused to do.

Mr. BEVERIDGE. Up at least to the time of the end of the session, because I remember the cataract and avalanche of witnesses. They were waiting in the corridors. While one was being examined others were waiting in the corridors. They were waiting at hotels, so fast were they called; and the papers were full of statements as to what these men would disclose with respect to the outrage and infamy of the conduct of American soldiers in the Philippines. And yet when they were put upon the stand their testimony was that the conduct of our soldiers and officers, as a usual thing, was one of great kindness and of unusual consideration, such conduct as led the Senator from Vermont [Mr. PROCTOR] to say, examining one of the witnesses, "A trip across the ocean you did not find had changed the character of American soldiers?"

The Senator will remember that the cross-examination, after Riley was on the stand—I began the cross-examination and then it was pursued by others and me, too—brought out the fact that the Filipino wounded, instead of being treated with cruelty, were treated with mercy and consideration unparalleled in war, ancient or modern, among civilized or uncivilized peoples; that they were cared for by American surgeons; that they were nursed by American nurses; that they were ministered to with American medicines; that they were cared for in American hospitals, and, in general, that they received the same treatment that our wounded soldiers received who laid by their side.

That was the view the American people took of it, and therefore I am not very much surprised, if it is true, as the Senator says it is true, that, having called witnesses, and having found that the cry was not justified by the event, the chairman refused to squander longer the public time and the public money and the very valuable energies of my friend from Tennessee, as well as the rest of us, in further pursuing an investigation which had thus far not lived up to its promise. Because the Senator will bear us out

that all of the witnesses upon whom he most relied testified in unison to the splendid conduct of the American Army and American officers as a usual thing to those people, both in war and in peace, and that testimony was from General Hughes and General MacArthur clear down to every private, even the discredited one, whose name I have now forgotten, who testified about the outrage said to have been perpetrated in his presence by a captain. The captain afterwards appeared and was vindicated.

So it appears there was an investigation. It appears, further, that all these people, at least up to the time the Senator mentions, were called, and they were questioned and cross-questioned. If time was wasted, I ask the Senator, whose fault was it that it was wasted?

Mr. CARMACK. If the Senator wants a candid answer, I think it was his fault more than anybody else's.

Mr. BEVERIDGE. I thought the Senator would say that. I will not answer him with a quip and an epithet, weapons he so skillfully uses. Nevertheless I have a better answer, a weapon more effective—the facts. They will show that my cross-examination of witnesses was brief and to the point, and except in the case of the discredited scoundrel—and that is a word I seldom use—who was brought here to testify to unspeakable and indescribable outrages upon Filipinos by one of the captains in our Army, and who afterwards was denounced by the Senator himself, whose sense of manhood was insulted by this witness—with the exception of that one witness, I think it will be found that my cross-examination of those witnesses did not occupy a page and a half or two pages. But that witness I did cross-examine till his falsehoods were demonstrated and his base motives revealed.

But what is the truth about the other side wasting time? The Senator will remember that the Senator from Utah [Mr. RAWLINS] and the Senator from Colorado [Mr. PATTERSON], the two lawyers on the minority of the committee, occupied not hours, but days and even weeks, examining General MacArthur and others on the minutia of the topography of Manila and its surroundings. Here was a great issue which they proposed to try before the American people—an issue of the conduct of the people's government in the people's possessions. They said they had the witnesses. They gave us the names. The witnesses were subpoenaed. And, Mr. President, when the witnesses came here weeks were lost in futile cross-examination as to the topography—as to where this and that place was situated, and where the river ran, and all that sort of thing. That is the way time was wasted before the committee, and I appeal in proof of it to the testimony itself, which every Senator may have by sending a page for it.

Mr. President, I had not the remotest idea that I should say one word upon this resolution. This debate was precipitated by what I thought was the rather intemperate language of my honorable friend the Senator from Utah [Mr. RAWLINS]. But it has grown as running debate always grows. It has resulted as debate always should result—in throwing light upon the situation.

We find, then, that we have no specific charge, but a general accusation. We find that as to the investigation heretofore conducted, instead of bearing fruit from the seed of its promise, it failed before its first shoots had even sprang above the earth itself. We find that the American Army, charged in the speech, intemperate as it was vigorous, ill advised as it was emphatic, was splendidly vindicated by the testimony of every witness the Senators themselves called, and that that vindication was ratified by the overwhelming suffrage of the American people, as it always will be.

Mr. PROCTOR. Mr. President, Capt. Cornelius M. Brownell was a Vermont officer. I have known him well for years. There is no better specimen of the volunteer soldier in Vermont or in any other State than Captain Brownell. He was a captain in the militia before the Spanish war. He was a captain in a Vermont regiment in the Spanish war. He was the only captain of that regiment who was recommended for a commission in the Philippine volunteers.

I give from the Record and Pension Office his efficiency report. I will state that it is the highest in every respect that is given to any officer. In these reports certain words are used for the different grades. "Excellent" is the highest; then there is "Very good," and so on down. I will give the heads where the reports are given:

2. General statement of important duties and how performed. Did excellent work in front of Jaro in November, 1898; commanded company and station at Sara, and did splendid work in repulsing night assault by insurgents in greatly superior numbers, inflicting heavy losses and at the minimum loss to himself.
3. Habits, general conduct, and bearing. \* \* \* excellent.
4. Professional zeal and ability. \* \* \* excellent.
5. The condition and discipline of men under his immediate control. \* \* \* excellent.
6. Capacity for command. \* \* \* excellent.

That is the highest rating given in any case in these reports.

8. Special knowledge he possesses of any particular line of work, whatever its nature. Banking and manufacturing.

9. Should he be intrusted with important duties requiring discretion and judgment? Yes.

10. Has he been specially mentioned, favorably or unfavorably, in official reports of commanding officers? If yes, give reference to reports. \* \* \* Yes; favorably by his immediate commanding officers.

Captain Brownell was selected for his efficiency as an officer to command a certain district in which his own company of the Twenty-sixth Regiment was located and detachments from other regiments. It was a district disturbed, and where there had been much trouble. On one occasion—it is a matter of record—Captain Brownell saved his company from massacre. The plan had been arranged and it was all divulged. The presidente of the town was at the head of it. The arms were concealed in the immediate vicinity. The officers had been invited to a dinner at the house of one of the leading people that night. The men were to be distributed. They had been invited to dances in different sections. Except for the providential return of Captain Brownell, after an absence in another part of his district, and his vigilance his command would have been massacred. One of regiment, Private O'Hearn, was roasted over a slow fire, mutilated, and horribly massacred. By the administration of the water cure, not by Captain Brownell, the murderers were discovered and the bones of the murdered man found and identified by his teeth.

Now, to judge of Captain Brownell, let any man put himself in his place, with the responsibility of his command, with the treachery that he had to deal with. Let him consider the circumstances before he judges him.

Here is a copy of a voluntary statement made up by Captain Brownell to the Judge-Advocate-General, who was sent to investigate this matter. I ask the Secretary to read it. It is fair that Captain Brownell's own statement should be heard.

The Secretary read as follows:

*Voluntary statement of Cornelius M. Brownell, late captain Company D, Twenty-sixth Volunteer Infantry.*

I am a resident of Burlington, Vt. My business address is 195 College street, Burlington.

I was appointed a captain July 12, 1899, and was assigned to command Company D July 17, 1899. I went with the company to the Philippines on or about September 5, 1899, sailing from San Francisco on or about September 25, 1899. After various stops we disembarked at Iloilo, island of Panay, October 28, 1899, and took station the same day at Jaro. After the active operations in the region of Jaro during the month of November, 1899, which accomplished the disintegration of the Filipino army on that island, I was ordered by the department commander to take command of the district of Concepcion, the northeastern district of the island, with headquarters at Sara. My command consisted of Company D, Twenty-sixth Infantry. Being situated about 65 miles from General Hughes's headquarters, and cut off from all communication with reinforcements, the enemy in the district immediately assumed an aggressive attitude. Soon discovering that a very strong outpost was located at a small barrio overlooking the town, I ordered a force, on the morning of December 19, 1899, to capture and destroy the town, which was called San Pongobolo.

This expedition was entirely successful and a complete surprise to the enemy, and so aroused the insurgent leaders in the district that on the early morning of December 22, 1899, at about 5.30 o'clock, my garrison was desperately attacked by a force consisting of practically all the insurgents in the district, in which were about 200 rifles and 300 bolomen. This attack was repulsed after a vigorous fight, and an investigation of the affair after the attack showed conclusively to my mind that the padre of the town was in communication with the insurgent forces and was aware of the attack about to be made, and he secretly departed the town in the early evening before the attack, taking with him his valuables and the female inmates of his house. I constantly became more convinced of this during the following three months' service in that district, and learned that the padre was endeavoring in every possible way to create disloyalty and further the cause of the insurrection, in order that his personal prerogatives might not become abridged by our supremacy. I further learned that he was not a regularly admitted priest, but, on the contrary, was a native who had usurped the office of priest when his predecessor died.

On March 1, 1900, I took command of the district of Baratoc Viejo, Banate, and Anileo, with headquarters at Banate, having as a permanent garrison Company D, Twenty-sixth Volunteer Infantry, being reinforced at different times by detachments and companies from the Twenty-sixth Infantry, Eighteenth Infantry, and Thirty-eighth Infantry. Acting on the information I had gained as to the attitude of the padre at Sara, I soon discovered that the padre at Banate was acting in a similar manner. By this time I had also learned that the so-called principales, a class composed of the rich inhabitants, mostly mestizos, owned all the land, enjoyed all the education and liberty, and while they resided in the towns and readily took the oath of allegiance to the United States, if permitted to do so, were furnishing the sinews of war to the insurgents in the field, and that probably 90 per cent of the Filipinos are dependent upon this class, either directly or indirectly, for a living. It was discovered that the power of the padres, and that of the principales, was exerted to the utmost to prevent the success of the American forces, because success of the American arms meant freedom and education to all Filipinos alike, and thus the power of the aristocracy would be gone.

During my service in the field I reported directly to the department commander, and received orders in like manner from him, and was at all times foot loose and freely made expeditions into districts remote from my own, sometimes being furnished a gunboat to transport my command.

While on one of these expeditions, about the middle of October, 1900, to the district of Sara—at this time commanded by Lieut. Col. William Van Horn, Eighteenth Infantry—I was absent for about eight days, and upon my return to my station at Banate I discovered that the inhabitants were acting in a disloyal and insubordinate manner, and every indication went to show that some insurgent plot was on foot. After a few days' investigation I discovered that during my absence the insurgent leaders of the district had held a meeting within the town, and the presidente had undertaken to organize a bolo company with which to massacre the garrison in the near future, the plan being to have several parties arranged for the men on a particular night in order that the garrison might be as much divided as possible, and at a certain signal, to be given by the presidente, each house to be

surrounded and the soldiers dispatched. The natives implicated were arrested, and some time afterwards the presidente, who had broken his parole and escaped in the night, was recaptured and was sentenced to serve ten years in Bilibid Prison at Manila. Meantime the padre at Banate, Raphael Murillo, fled, and I discovered that he had been warned by one Augustine de la Pena, a priest of Molo, and had been directed to escape to the lines of the enemy in the field. This padre Augustine was held to be the acting head of the church on the island, and a relative of the insurgent chief, Quintin Salas, who operated in the region of my district.

Serving directly under the orders of the department commander I was frequently at his headquarters, and know a great deal about his military information bureau and the secrets in their possession. It was conceded at headquarters that Padre Augustine, while professing to be an Americanist and in constant communication with General Hughes's office, was nevertheless the treasurer of the insurgent funds and practically the head of the insurrection on the island of Panay. It was well known that he was a war traitor, and that if papers and funds in his possession belonging to the insurgent army could be procured the insurrection could be readily crushed. This man was delivered into my hands on board the gunboat *Paragua* on November 23, 1900, and taken to my station at Banate under a guard of soldiers not belonging to my company. He was landed at Banate the following morning, and while I was absent during that day with my company and a detachment of Company F, Twenty-sixth Infantry, he signed a statement confessing his guilt and addressed to General Hughes, and copy of which is hereto attached and marked "A."

This statement was handed me upon my return to the post that day, and within a few days the man was brought from his cell and told plainly that he would be compelled to deliver to me the funds in his possession belonging to the insurgent forces, and papers known to be in his possession, implicating others who had taken the oath of allegiance to the United States Government. This he refused to do, and denied that he was a sympathizer with the insurgent forces, denied that he had any dealings whatever or any communications of any sort whatever with them, or that he knew anything about their cause. Being in possession of positive evidence of his guilt, and knowing that there was on deposit in the city of Iloilo a large sum of money awaiting his order at the mercantile house of Hoskyn & Co., the banking houses of the Hongkong and Shanghai Banking Corporation, and the Banquo Espanol, I insisted that he would be obliged to deliver orders for this money to me and endeavored in every possible way to reason with him and show him the uselessness of further attempts at deception.

If I recall correctly, I held daily conversations with him for a period of three or four days, endeavoring in every possible way to influence him to surrender the papers and money in his possession without compulsion, promising him fair treatment on the part of the Government. He became constantly more and more insolent, and began to suspect that I would not use force, so that he finally denied everything in the statement he had previously made; said that he did not understand what it was; that it was written in English and he was told to sign it, and he thought it was a letter to be used to inform his friends where he was. He gradually became so insolent that it became necessary to adopt a firm course of action with him, and he was given a limited time in which to decide whether he would surrender the money and papers demanded without compulsion or whether he would compel me to resort to the latter method. The time given him having expired without result, he was brought into my presence and that of other officers and enlisted men and told that he would be blindfolded and the water cure administered until he acceded to my request.

He again, and more insolently than ever, denied that he had any knowledge of the matters of which I spoke, and the water cure was administered for a short time, I being constantly near him and advising him at every stage that the moment he admitted what I knew to be true, and delivered the goods I knew to be in his possession, harsh measures would cease. In about three or four minutes he informed me that if I would cease he would speak. I immediately commanded that he be allowed to sit up, and he said that he did have some money in his possession, but that it belonged to the Pope at Rome, and that therefore he could not give it to me. Endeavoring in all this proceeding to act in a gentlemanly manner, but firmly, I told him that the idea of compulsion was abhorrent to an American officer, but he would be obliged to cease falsehood, and deliver the papers and moneys to me immediately or the cure would be continued. He still insisted that it belonged to the Pope at Rome, and being assured that for the time being the department commander, General Hughes, was the Pope on that island, and that he would be obliged to deliver the money into his hands, the cure was continued. In a few moments he became convinced that I was in positive possession of the evidence I claimed, and again asked to be allowed to sit up.

This request was immediately granted him, and he said that he did have some money belonging to the insurgent cause. I then asked him to sign orders for it, at the same time asking him in as kindly a manner as possible under the circumstances if he would not accede to my whole request without further use of force. This he agreed to do. I allowed him, as he was in a very excited and desperate mental condition and was a man of low vitality, large and fat, to retire to his quarters and rest. This was of my own volition, and before he was led away he was asked if he would sign, without further resort to force, the orders which he had promised to sign. This he agreed to do. He was offered at this time, and during his whole confinement, food, but he declined in most instances, sometimes accepting and at other times insolently refusing it. After he had rested at some length, I sent for him and asked him to sign the orders, and he, in the presence of officers and a few enlisted men, declined, saying that he had no money and that what he had said before he now retracted. He was immediately threatened with a repetition of the water cure, and after some further endeavor on my part to get him to sign these orders, I directed that he again be led to the room in which the water cure had been previously administered, which was the kitchen of my quarters.

As preparations were being made, and he became convinced that I meant what I said, he signed the orders. A little later his cassock was examined, and in it were found the original deposit receipts on the banks and the house of Hoskyn & Co., together with numerous papers, receipts for money from different citizens and churches, which were delivered by me to the then judge-advocate of the Department of the Visayas, together with other papers and evidence collected by me bearing on this case, and implicating some of the prominent natives in the city of Iloilo and that vicinity. One of these papers was a receipt which read, so near as I can remember, as follows, being written in Spanish:

"We, the undersigned, commissioners of the revolutionary army on the island of Panay, acknowledge to have received from Señor —, presidente of Jaro, Panay, the sum of 10,000 pesos, which sum, with others of like amount, has been raised by the church at Jaro for the use of the revolutionary army."

This was signed, if I recall correctly, by two commissioners. The original of this paper can be found in the records of the Department of the Visayas. The presidente mentioned in that paper was then presidente of Jaro, and as such was an American official.

I was ordered to ascertain from the prisoner the whereabouts of one Quintin Salas, a colonel in command of a subdivision of the insurgent army. When this prisoner was sent for I explained to him my orders, and asked him to tell me, on promise of my shielding him should he tell me the truth.

He was in a dejected mood, despondent, thoroughly discouraged. He told me that he had better be dead, and wished he might die. He had nothing further to live for, and expected, if the American Government did not hang him, the insurgent forces would, and that he realized he had been a traitor to both sides and a traitor to his church, and, upon exposure of his traitorous conduct while acting at the head of the church in the island, he would certainly be deposed and disgraced in the church, and he repeatedly called on the Virgin Mary to take his life. I gave him until a certain hour to consider whether he would disclose this hiding place or not, and explained to him how I knew he was in possession of this information. At the expiration of this time he declined to disclose Salas's whereabouts, and again, more emphatically, said he had better be dead than living anyway, and hoped he would die before morning.

I directed him to be conducted to a house apart from the headquarters in order that he might be quietly and carefully dealt with, as the night guard was on at headquarters and there were a large number of enlisted men within hearing. A guard was established to prevent all natives from approaching the house, as it had come to my knowledge that the whereabouts of Padre Augustine were known to the insurgents, and a desperate effort would be made to retake him.

Exhausting every resource in my endeavor to influence him by argument into giving me the information desired I threatened him again with the water cure, and he promptly told me that he would welcome it, as he did not want to live, and was completely and thoroughly discouraged. I hoped up to the last moment that he would weaken before it became necessary to use any force whatever, but continued the preparations, and finally ordered that the cure be again administered to him, and stepped into an adjoining room for a moment with instructions that the cure should be given, but the moment he would disclose the name of the town only it should be stopped. In a very short time, probably not to exceed a minute and a half, I was warned by a disturbance in the room where the prisoner was that something was wrong, and upon entering the room the man was dead.

I immediately sent for the post surgeon, and within five minutes—the exact time I can not give—the post surgeon arrived and notified me that the man was dead, but not drowned, as he had not died from the effects of the water cure, but from fatty degeneration of the heart, and from complete collapse and mental anguish over the exposure of his criminal life. At my request he immediately attempted to resuscitate him to life. He told me it was useless, as water was not the cause of his death. This verbal statement he made to me, and made a certificate certifying to the cause of his death, which I filed with a notice of the death of this prisoner in the office of the assistant adjutant-general of the Department of the Visayas.

I presented the papers obtained and orders for the money in person to the judge-advocate of the department at Iloilo, and the department commander ordered the provost-marshal at Iloilo, the officer in command of the secret police of Iloilo, the judge-advocate-general, and myself to visit the banking houses mentioned above and procure the money.

Within a few days all the padres in the vicinity of headquarters at Iloilo held a convention and sent a delegation to the department commander, requesting permission to appoint a peace commission to proceed to the interior and endeavor to influence the insurgents under arms to surrender. This permission was granted by the department commander, and such committee visited the insurgent chiefs in the field, and after conferences, which extended over several weeks, the commander of the insurgent army surrendered.

During the period in which these conferences were going on, by direction of the department commander I was in the field in the region of the greater part of General Delgado's army, and when it seemed probable that the peace commission would fail, active operations were pushed against the enemy and their property, and especially the property of the rich hacienda owners who lived in Iloilo, all of whom were supporting the insurgent army in this particular region. This hastened the final decision of the insurgents to surrender, and on or about January 29, 1901, at a suggestion from the adjutant-general, I joined him at Pototan, where the army which had been operating in the region of my district surrendered, four companies strong, and in less than a month my regiment was ordered home, and the insurrection on the island of Panay was practically over and other surrenders took place immediately after the surrender at Pototan.

The water cure was administered by my order several times to different natives, and through this agency I was enabled to obtain possession of many arms and very valuable information without firing a shot or shedding blood. When my regiment first reached the island, it was customary and necessary, in order to accomplish anything on the offensive, to make long night marches, rounding up and capturing towns in the darkness, not only exposing our men to hardships and disease, but to gunshot wounds, as well as endangering the lives of noncombatant natives by the fire from our men. In these night attacks it was always possible to have women and children killed, and frequently the insurgent soldiers for whom we were seeking would escape, and usually few arms could be taken in this manner. From service and observation I became fully convinced that the lives of both our troops and of the natives could be saved and munitions of war and valuable information obtained by the discreet and humane use of the water cure. I do not and never have believed it cruel or barbarous in any manner, and whenever it became necessary, in my judgment, to administer it, the men chosen for that duty were chosen with a view to having only intelligent, careful, and humane men perform the operation. There was no secrecy about it; every officer and every man, both in my regiment and of every other regiment with which I served, knew when it was given, and I was never criticised by any officer while in the service for administering it.

The first criticism offered against me was by an enlisted man in my company, one Alfred W. Bertrand, and he is the instigator of the charges now brought against me, and did openly and repeatedly state while the regiment was en route home and while we were at Presidio, Cal., awaiting muster out, that unless he was given a discharge bearing a character of excellent that he would prevent my appointment to a commission in the regular service and would prevent my living in the State of Vermont, my native State, because of charges of misconduct, cruelty, and embezzlement which he proposed to bring against me. During the muster out of the regiment he endeavored in every possible manner to create discord and cause a riot in my command, and openly boasted that at the pay table there would be a riot. He did everything in his power to get as many of the men as intoxicated as possible by furnishing money for that purpose and by furnishing it himself. He appealed from the character given, "Very good." I was sustained by a board appointed by the regimental commander under the regulations.

I was advised by the regimental commander at the time, Col. J. T. Dickman, to bring the man before a court and have him dishonorably discharged the service. He intimidated as many men as he could, and assaulted Q. M. Sergt. Robert D. Hoyt with two accomplices for testifying against him before the board appointed to revise his character, said Sergeant Hoyt having been discharged at Iloilo and not then being in the service. This man Bertrand performed very little duty with his company and was a mischief-maker throughout his entire service. In spite of his unworthy conduct, I gave him a character of "Very good," as he had been for many years a soldier and it was understood that he desired to reenlist.

CORNELIUS M. BROWNELL.

OCTOBER 14, 1902.

Then appeared the above Cornelius M. Brownell and made oath that the above statement was true, before me,

E. HUNTER,  
Judge-Advocate, U. S. Army.

A.

NOVEMBER 24, 1900.

Gen. R. P. HUGHES, Iloilo, P. I.

SIR: I hereby certify that I am the head of the insurrection on the island of Panay; that I have been the headquarters for furnishing money and arms for the insurgent cause; that in the future I promise allegiance to the United States of America, and that I will do all in my power to aid you to establish peace in this island. Also that I send this letter of my own free will and accord.

AUGUSTIN DE LA PENA.

A true copy:

C. M. BROWNELL,  
Late Captain Twenty-sixth Infantry, U. S. Volunteers.

During the reading of the paper,

Mr. QUAY. I ask that the regular order be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. McLAURIN of Mississippi. Mr. President, I hope the resolution which was under discussion a few moments ago will be permitted to go over, retaining its place until to-morrow morning, when I shall desire to submit some remarks on it, more as a suggestion than anything else.

Mr. PROCTOR. As I expected to take but a few moments more, I ask that the unfinished business be temporarily laid aside until I can conclude.

Mr. QUAY. I have no objection. Then the resolution can go over until to-morrow morning.

The PRESIDENT pro tempore. The Senator from Vermont asks that the unfinished business be temporarily laid aside in order that he may complete his remarks. Is there objection?

Mr. QUAY. There is no objection, with the understanding that then the resolution will go over until to-morrow morning.

The PRESIDENT pro tempore. That has not yet been determined.

Mr. ALLISON. I hope that will be determined now.

Mr. LODGE. I think the resolution had better go over, holding its place.

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. McLAURIN] asks unanimous consent that the resolution may lie on the table, retaining its place. Is there objection? The Chair hears none.

After the reading of the paper,

Mr. PROCTOR. Mr. President, Father Augustine was the head and front of the insurrection in his district. From his standing in the church he was able to give direction to the priests of other churches, and, contrary to the canons of the church, he diverted the revenues of the church from their legitimate purposes to send to the insurgents. A large amount of money in drafts which he had collected was taken from him, which was turned over after his capture to the proper officials. I will read an official letter from him to the churches over which he had charge:

DUMANGAS, December 8, 1899.

In view of the grave reasons and causes as stated by Martin Delgado, the politico-military governor residing in Cabatuan, general in chief of the army of Panay, and bearing in mind the great responsibility before God of the alienation of the revenues of the church which are intrusted to our care—for you are aware of the canons relating to the same—nevertheless, depending on the benignity of the church and desiring to avoid the unhappy contingencies that may arise for these pueblos, and believing that you are of the same opinion, I authorize each of you at the request of the politico-military governor of this province to turn over to him as a loan the sum of 80 pesos, except the parishes of Zarraga, Leganes, Mina, Banate, Anilao, Barotac, Viejo, and Mandurriao, which will, in the case of each, turn over 50 pesos.

These sums will be deducted from the revenues of the churches that you administer, and will be turned over to the said politico-military governor, Martin Delgado. You will enter in an account book the amount so delivered, and you will be given, when the opportunity offers, a receipt for the same.

Please circulate this with all precautions to prevent its loss, after copying the same.

May God guard you many years.

PADRE AUGUSTIN DE LA PENA.

This was sent to the churches and acknowledged by them. As I have said, it is taken from the records.

Entered and copied—Santa Barbara, November 10, 1899.

PADRE PRAXEDES MAGALONA.

Entered and copied—Zarraga, November 11, 1899.

PADRE APURA.

Entered and copied; sent to San Miguel—Paria, November 12, 1899.

PADRE MANSUETO ZABALA.

Entered and copied. Although this small church finds itself without funds, I send 20 pesos of my own to General Delgado, as the petty income does not even cover the most necessary expenses. Sent to Alimodian—San Miguel, November 13, 1899.

PADRE TOMAS PALMES.

Entered and copied. Although this church finds itself without funds, I sent 25 pesos of my own to General Delgado, as the petty income does not even cover the most necessary expenses—Almodian, November 14, 1899.

PADEE RAMON AMPARO.

Entered and copied in the book per orders. I will send to the honorable general in chief, politico military governor of Panay, the sum of 40 pesos, all that this church at present possesses, promising to remit the balance of 80 pesos in small installments as this church finds itself in funds. Massin, November 14, 1899.

PADEE MARCELO ESPINOSA.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. PROCTOR. Certainly.

Mr. TILLMAN. I did not exactly catch the purpose of the Senator. I certainly can not understand how it is he gets hold of these papers belonging to the church, and that therein we have supposed evidence that some priest somewhere authorized a loan by the church to somebody. Now, who is that somebody? Is the American Government engaged in borrowing Catholic Church funds in the Philippines?

Mr. PROCTOR. Not at all. This was a contribution from those churches to Father Augustine to be used for the insurgents.

Mr. TILLMAN. Does the Senator make that statement on his own responsibility?

Mr. PROCTOR. I make it on the responsibility of the evidence that Captain Brownell furnished, all of which is official.

Mr. TILLMAN. Do I understand that Captain Brownell is on trial in the Senate?

Mr. PROCTOR. I do not understand any such thing; but an officer of the Judge-Advocate-General's Department was sent to investigate this matter, and Captain Brownell made this voluntary statement, which I am giving.

Mr. TILLMAN. The effort to get the report of the court-martial which the Senator from Utah [Mr. RAWLINS] made in the resolution he offered yesterday morning is thwarted and stopped because the Government is endeavoring to suppress the facts.

Mr. PROCTOR. There never has been any court-martial or any official charges, so far as I know, made against Captain Brownell. I am talking about Captain Brownell only.

Mr. TILLMAN. If Captain Brownell is charged with murder in the Philippines, is there any way of punishing him, or is he going back there to stand trial?

Mr. PROCTOR. That is a matter I can not answer. I do not know that he has been called on to stand trial there or anywhere else. So far as I have seen by the newspapers, the Judge-Advocate-General's Department decided that, he having been mustered out of the service, the War Department had no jurisdiction.

Mr. TILLMAN. So that there can not be any court-martial or trial of the man in any other way than in the forum of public opinion as to whether or not he did commit murder in the Philippines. Is that it?

Mr. PROCTOR. That seems to be the report of the Judge-Advocate-General's Department. I have no authority to speak on that point. I have understood that the question had been referred to the Attorney-General's Department by the War Department.

Mr. TILLMAN. In the absence of the other papers in the case affecting this officer's character and the charge made of murder, directly or indirectly—I know nothing about that—is it not a little premature to bring in his defense here, and to have an ex parte statement made of his confession or statement or whatever you may call it, before we get the accusation?

Mr. PROCTOR. I do not think it is premature at all. Captain Brownell has been charged here on the floor this session and last session and in the public prints, and I do not consider it premature—

Mr. TILLMAN. Was the charge made?

Mr. PROCTOR. The Senator's warm blood would have answered long before this if the charge had been made against an officer from the State of South Carolina.

Mr. TILLMAN. The question of where the officer comes from does not enter here; the question is if he wears the American uniform or did wear it.

Mr. PROCTOR. He has worn it honorably and creditably always.

Mr. TILLMAN. Well, we will take the Senator's statement as to that fact. I am always inclined to believe the Senator, because I do not think he would tell us anything he did not believe himself, though he might tell us something he did not know. I am merely speaking of the phenomenon here, of the strangeness, you might say the absurdity, of the situation, and, if the Senator is willing, I should like to know whether any investigation which may come about hereafter, or if the facts should leak out, as they sometimes do as to actions in the Philippines, that a murder should have been committed there and the officer discharged, whether such officer is amenable to any law anywhere, or whether those people have any redress whatsoever? I understand that we

have denied them the protection of the Constitution, and the Supreme Court of the United States has sustained our action in denying them any rights under the Constitution. Therefore they are absolutely helpless and at our mercy.

In this case, as I understand it, here is an officer charged with murder in the Philippines. If he is innocent—and God knows I hope he is for the honor of the country—he ought to be able to prove it; but the other side ought to have an opportunity to present evidence going to show that he is not innocent. I contend that it is not exactly fair, from my point of view, to present here an ex parte defense, without having had the facts brought out in some criminal proceeding or in some indictment which would enable the prosecution to bring its case before the country and submit its evidence.

Mr. PROCTOR. Mr. President, the question to which the Senator refers was, I believe, under consideration at the Department of Justice, but it is not a part of the matter which I propose to present. I propose to make a defense of Captain Brownell. In his position he was fully justified in taking any steps he saw proper for the safety of his command. Father Augustine might have been tried by a drumhead court-martial and shot or hung. I saw a man hung in our civil war, at very short notice indeed, for a much less violation of the rules of war than was committed in this case. This man was professing loyalty to our cause, and at the same time he was a leader in encouraging insurrection, collecting funds for it—collecting funds from the church, which was entirely contrary to the canons of his order.

Mr. TILLMAN. If the Senator will permit me, I have only to say that for the honor of the American Republic and the honor of the American Army, I would to God Father Augustine had been shot by order of a drumhead court-martial rather than tortured to death to get the money from him, as this man himself confesses he did.

Mr. PROCTOR. Mr. President—

Mr. QUAY. Will the Senator from Vermont allow me to interrupt him?

Mr. PROCTOR. Certainly.

Mr. QUAY. Mr. President, the prosecution of the remarks of the Senator from Vermont was assented to with the understanding that there would be very little discussion and that but a few moments would be occupied before the Senator from Vermont concluded. The indications are now that there is going to be a controversy which may be protracted endlessly, and therefore if the Senator will allow me, I should like to have him yield at this point so that the regular order, the statehood bill, may be proceeded with.

Mr. PROCTOR. The Senator from Pennsylvania will admit, I think, that I have not been solely responsible for the length of time which has been consumed; but I am entirely willing to yield to him.

Mr. QUAY. I do not wish to say, Mr. President, that either party is responsible. I merely state the fact that there is a controversy, and therefore I ask for the regular order.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. The statehood bill is before the Senate as in Committee of the Whole.

Mr. LODGE. Mr. President—

Mr. TILLMAN. Will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. I merely wanted to remark, Mr. President, that if the Senator from Massachusetts is very anxious to begin the speech which he was too tired last night to begin—and I agree with him that it was not reasonable to ask him to go on then—I do not think the Senator from Pennsylvania ought to undertake to shut off debate that has grown out of the morning business and gone on ever since because the Senator from Vermont may have completed what he wished to say, and that others should be shut off practically by the Senator from Pennsylvania getting up and announcing that the statehood bill was before the Senate, and that he wanted somebody to talk on it. The Senator from Pennsylvania knows as well as anyone else here that Senators are not confined to the subject before the Senate if they want to discuss any measure, and I submit to him there ought to be the same latitude of discussion upon any subject before the Senate—recognizing that the statehood bill is the unfinished business—that usually obtains here.

The PRESIDENT pro tempore. The resolution of the Senator from Utah [Mr. RAWLINS] is not now before the Senate.

Mr. TILLMAN. We all understand that; but the Senator from Vermont was discussing the resolution of the Senator from Utah, or things appertaining to the resolution or mentioned in it, and I supposed that the rest of us who had something to say might say it while it was hot, rather than to wait until the morning, when, after we got started, it might run on all day.

Mr. LODGE. Mr. President—

Mr. QUAY. Will the Senator from Massachusetts allow me to interrupt him?

Mr. LODGE. Certainly.

Mr. QUAY. I wish to say that I merely asked the Senator from Vermont [Mr. PROCTOR] to assent to this discussion going over until to-morrow, and I understood that he did assent. I did not desire to cut off the Senator from Vermont or the Senator from South Carolina.

Mr. TILLMAN. Do we understand that the Senator from Vermont will complete his defense of Captain Brownell in the morning, or is he through now?

Mr. PROCTOR. I will decide that hereafter.

Mr. TILLMAN. All right, sir.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898;

A bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall; and

A bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

The message also announced that the House had passed the bill (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

The message further announced that the House had passed with amendment the following bills in which it requested the concurrence of the Senate:

A bill (S. 3287) to fix the salaries of certain judges of the United States; and

A bill (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States;

A bill (H. R. 15331) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases;

A bill (H. R. 15595) confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

A bill (H. R. 16330) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

A bill (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas;

A bill (H. R. 16334) fixing terms of United States courts in Colorado, and for other purposes;

A bill (H. R. 16599) amending chapter 591 of the Revised Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.;"

A bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama;

A bill (H. R. 16724) to provide an additional judge of the district court of the United States for the southern district of New York; and

A bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore;

A bill (S. 6132) granting an increase of pension to Fannie McHarg;

A bill (H. R. 1193) to correct the military record of Henry M. Holmes;

A bill (H. R. 6467) granting an honorable discharge to Samuel Welch; and

A bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company.

#### COURTS IN ARKANSAS.

Mr. BERRY. I ask the Chair to lay before the Senate House bill 16333.

The bill (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas was read twice by its title.

Mr. BERRY. I wish to state that a bill precisely similar, except that this one contains the words "that the act shall take effect from and after its passage," has already passed the Senate. This is a House bill containing only one section, and it is important that it should be passed now on account of the time fixed for holding the court. I ask unanimous consent that it be considered at this time.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Senator from Arkansas will move that the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas be recalled from the House of Representatives.

Mr. BERRY. I make that motion.

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Arkansas enters a motion to reconsider the vote by which the Senate bill was passed.

Mr. BERRY. Very well.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States;

A bill (H. R. 15595) confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation, in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

A bill (H. R. 16330) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas;

A bill (H. R. 16334) fixing terms of United States courts in Colorado, and for other purposes;

A bill (H. R. 16599) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.;"

A bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama;

A bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York; and

A bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

The bill (H. R. 15331) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases was read twice by its title, and referred to the Committee on Interstate Commerce.

#### PUNISHMENT OF LARCENY IN INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory.

The amendments of the House were to strike out all after the enacting clause and insert:

That any person, whether an Indian or otherwise, who shall hereafter be convicted in the Indian Territory of stealing any horse, mare, gelding, filly, foal, mule, ass, or jenny, or of stealing, or marking, killing, or wounding with intent to steal, any kind of cattle, pigs, hogs, sheep, or goats, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than fifteen years, or by both such fine and imprisonment, at the discretion of the court.

Sec. 2. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however,* That all such acts and parts of acts shall remain in force for the punishment of all persons who have heretofore been guilty in the Indian Territory of the offense or offenses herein mentioned: *And provided further,* That this act shall not affect or apply to any prosecution now pending or the prosecution of any offense already committed.

And to amend the title so as to read: "An act fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes."

Mr. HOAR. The amendment accomplishes the same purpose as the original bill. The present law makes various larcenies of cattle punishable by death, at any rate a very severe punishment, which the bill reduces. The House has merely changed the form of the bill. I think the amendments had better be agreed to without a reference.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate agree to the amendments of the House of Representatives.

The motion was agreed to.

#### SALARIES OF JUDGES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3287) to fix the salaries of certain judges of the United States.

Mr. HOAR. I move that the Senate disagree to the amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HOAR, Mr. FAIRBANKS, and Mr. TURNER were appointed.

#### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. LODGE. Mr. President, it was my fortune to serve upon the committee on resolutions of the Republican national convention in 1896 at St. Louis. I was on the subcommittee which prepared the resolutions, and I remember very well the resolution in regard to the admission of the Territories. I think I drafted it or wrote it out myself. I am not perfectly confident as to my making the draft, but I am certain that the clause was carefully considered, and Senators will remember, as it has been frequently referred to here, that in that resolution it was stated that we were in favor of the admission of the Territories whenever Congress should consider them fit for statehood. I am stating the resolution broadly.

In 1900 a similar resolution was adopted at Philadelphia, omitting the specific clause in regard to the discretion of Congress. I do not think that that omission makes the slightest difference in regard to the meaning of the resolution. The qualifying clause was put in at St. Louis, out of an abundance of caution, and I do not think its omission at Philadelphia altered in the least the general intent of the committee on resolutions in either convention or the intent of the conventions themselves.

No man in either convention, Mr. President, would have thought for one moment of pledging himself to admit certain Territories into the Union as States without any regard to time or the form of the bill admitting them or the fitness of the Territories for statehood. We reserved, of course, all our liberty as members of the House or Senate in regard to these Territories. The resolution in the convention platforms was a mere general statement that the party favored the admission of the Territories at an early day. It was never made an issue in the campaign; it was never discussed before the convention, and there never was an attempt on the part of anyone to commit members of either House of Congress to the proposition that they were bound, as Republicans, to support the entrance of those Territories into the Union as States without any regard to their fitness, without any regard to time, to boundaries, or to anything else. Such a proposition, indeed, is absurd on its face.

I am as anxious, and I believe as conscientious, as anyone in my desire to live up to all the pledges of my party, but a general statement of the party in regard to the admission of certain Territories into the Union is not a pledge that we are to give our support without question or hesitation to any bill providing for statehood that happens to be brought into this Chamber. Nobody in a convention who had legislative responsibilities would assent for one moment to any resolution of that character.

The resolution adopted at Philadelphia does not bind any man to any time, to any specific measure, or to the admission of any specific Territory. What is to be thought of the proposition that a Senator of the United States has resigned his right of judgment on a measure like this because a resolution has been put into a platform without discussion, which is in itself a mere expression of general good will, and that then he is to be held up here and told that he is false to his party principles if he does not vote immediately for a bill which he has had no share in drafting and in regard to which notice has been served upon him that he can not even hope to amend it? No, Mr. President, I think that the proposition as to the binding effect of the resolution of the Republican national convention upon any member of the Republican party may as well be dismissed from this discussion. It can not be seriously made, still less seriously considered, by any sane and responsible man.

I am opposed to this bill on account of the time at which it is sought to pass it—in a short session, in the pressure of other business, with insufficient discussion, without what I conceive to be due opportunity to consider the most momentous legislation that

can be brought before a Congress of the United States. I am opposed to the form of the bill, for in this bill are yoked together three totally different propositions. I shall have something further to say in regard to this phase of the question.

I am opposed to passing this bill at this time because it is an irrevocable bill. There is no maxim of more general application, none that we hear referred to more frequently, than the fact that one Congress can not bind another. It is rare, indeed, that a measure ever comes before Congress which, by its passage, puts it beyond the power of all future Congresses ever to change the decision then made; but on this bill, if it passes, there is no repeal. If this bill becomes law, there is no opportunity of retracing our steps. It has brought to my mind, as I thought of this feature in it, the old familiar schoolboy quotation from Virgil:

*Facilis descensus Avern;*

*Sed revocare gradum superasque evadere ad auras,  
Hoc opus, hic labor est.*

The Trojan hero, Mr. President, was enabled, by sufficient labor and by the help of a goddess, to return to the upper air. There is no such opportunity given here to the Congress of the United States. If it once passes a bill admitting Territories to statehood, the Government of the United States resigns once for all its power over this territory which belongs to the United States; territory which was acquired either by the blood or the treasure of all the people of the United States. When we pass this bill, converting these Territories into States, we resign all our control such as we to-day possess over them as Territories. It is a very serious and a very important step, and, as I have said, it is absolutely irrevocable. Once taken, it can never be retraced. If we fail to admit a Territory as a State at a given time, it is always possible to remedy that error, if it be an error, in the years to come; but if we admit a Territory as a State into the Union we never can remedy it, no matter how grievous the mistake may be.

Mr. President, a bill of that character, a bill of that irrevocable nature deserves the utmost care and consideration on that account if on no other. Congress may feel with most laws that if error is found in them subsequently they are always open to repeal, even if repeal involves some little cost; but when you have taken Territories and made them States in this great Union, the act is done and nothing can ever undo it, no matter how unfit they may prove to be in the future. They may present to us a declining population; they may fall to a point where a single ward of a great city more than equals in population a State which sends two Senators to this body, and if that should prove to be so, yet the act can never be undone.

That quality alone of this bill, as it seems to me, Mr. President, commands us to treat it with greater care than we bring to the consideration of almost any legislation which comes before us. I think that that single quality in this bill is enough to justify those who oppose it in demanding that they shall have all the time possible if they think any portion of the proposed States unfit for statehood to persuade the Senate and to persuade the country of the justice of their contention.

I had intended at this point to go on with a discussion of the bill in a manner which I shall subsequently pursue. But the Senator from Ohio [Mr. FORAKER] in the very able and interesting speech which he made the other day in behalf of this bill—and he is always interesting and always forcible—brought forward an argument which, if it prevails and if it is sound, puts an end to this discussion at the very outset. He took the ground that, though not bound by the letter of the law to admit these Territories as States, we were bound morally to admit them now, and that the course of history and the general treatment accorded to these Territories constituted a moral contractual obligation.

Mr. President, if we are in any way bound by moral obligation to admit these Territories, it is useless to discuss the merits of the bill or the fitness of the Territories in question for statehood. We must submit to the moral obligation and, however much we may dislike it, we must carry out that which we have bound ourselves morally to do.

Mr. President, before coming to the bill itself I wish to examine that argument, which struck me at the time as one of very great importance and which it seems to me ought to be met by those who are opposed to the position of the Senator from Ohio and other Senators who support this bill.

All the territory involved in this bill, all the territory which it is proposed by this bill to make into States, was acquired by the United States by purchase or by conquest. Part of it was acquired by treaty with France in what was known as the Louisiana purchase. Part of it was acquired from the Republic of Mexico by the treaty of peace which brought to a close our war with Mexico, and a small portion was added by the subsequent convention known as the Gadsden treaty. It is therefore all territory which has been acquired by the United States.

Such being the historic fact, I wish now to call attention to the

constitutional law laid down by the Senator from Ohio [Mr. FORAKER] on the subject of the acquisition of territory, in January, 1899, and in subsequent debates which arose in regard to the Philippine Islands.

I may say, before citing what he then said, that I most absolutely and entirely agree with his position, that I think it is beyond a doubt the sound one, and I am glad to read his statement of the doctrine, because it is better than any I could myself make.

In the course of his speech in regard to the acquisition of territory as suggested by the Philippine Islands, the Senator from Ohio said:

If any authority be needed, let me cite what Chief Justice Marshall said in the case of the American Insurance Company v. Canter, reported in 1 Peters, at page 511. The first paragraph of the syllabus reads as follows:

"The Constitution of the United States confers absolutely on the Government of the Union the power of making war and of making treaties; consequently that Government possesses the power of acquiring territory either by conquest or by treaty."

The learned jurist states that proposition without any qualification as to consent, as to whether or not the people occupying the territory, and who are thus brought under our jurisdiction and laws, shall be consulted by us and shall signify their willingness to be governed by us before we can take jurisdiction.

The power to make war and the power to make treaties are two powers conferred absolutely without qualification, each power carrying with it the power, as Chief Justice Marshall says, to acquire territory. Then what does he say as to the right to govern territory after it has been acquired?

Mr. GRAY. I should like the Senator to read further from that case the sentence of Chief Justice Marshall in reference to the right to govern territory after it has been acquired, whether by treaty or otherwise.

Mr. FORAKER. I was just turning to it on page 542. After having discussed and announced the proposition as the law of the land, that under both these powers we have the power to acquire territory, and having a case before him which involved the discussion of that subject, he then takes up the question of the right and authority and power of the government that has acquired to govern the territory that has been acquired. I might read with interest a great deal that is said here, but I do not wish to unnecessarily trespass upon the time of the Senate. I therefore content myself with saying that at page 542 Chief Justice Marshall, after speaking of the constitutional power expressly conferred on the Congress to govern, says:

"The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned."

Mr. LODGE. Mr. President, again the Senator from Ohio said in the same debate:

What I am contending for just now is the power of the Government, without any qualification whatever, to annex, either by treaty or by war, any territory anywhere on the face of the globe that any other independent sovereignty could annex by war or by treaty. In other words, Mr. President, I am trying to assert that our fathers did not make a constitutional government inferior in rank and power in this respect to any other independent sovereignty of the earth.

Again, in the same debate, he said:

When it comes to the admission of a Territory as a State into the Union, Congress has to vote whether or not the State shall be admitted; and when the State comes with a constitution that is consonant with the Constitution of the United States and the laws of the United States, and the other conditions are favorable, Congress may say to the State, "Come in," or Congress may say to the State, "Stay out."

Even when conditions are favorable and the Constitution is consonant with that of the Union, we may still say, "Stay out."

Mr. BEVERIDGE. As I understand, the Senator from Ohio there makes the point that it is not a right.

Mr. LODGE. I will come to that in a moment. I should like to complete my statement, and then I will come to it.

Again, on the same day and in the same debate, the Senator from Ohio said:

The Senator from Missouri then concludes that because of the reading of the text of the Constitution when so arranged it is clear to every intelligent layman that it was intended by the framers of the Constitution that no territory should be acquired except only with the present intention of ultimately making it a State.

Mr. President, the whole of that argument, it seems to me, falls to the ground when we reverse the order and read it, not as the Senator has read it, but as the framers of the Constitution read it. They chose the order; and when you restore the proper order, the order in which they placed these provisions, no such deduction can be rightfully made as that which the Senator from Missouri has made.

The deduction of the Senator from Missouri being that it could only be taken with the ultimate purpose of making a State.

And again, a little further on, the Senator from Ohio said:

The second of these propositions, that territory can be acquired only with a view to ultimately making it a State, is one that I have already answered in what I have said as to the power of the Government under the war-making and the treaty-making power to acquire territory and in the citations of authority that I have made.

Those, Mr. President, are the extremely well-stated views, as the Senate will perceive, of the Senator from Ohio, in 1899. In 1900, a year later, he said:

I do want to say, however, before passing to that which I have it especially in mind to say, that with respect to his remarks in regard to the Dred Scott case, all that was gone over fully in the last Congress; and, in answer to a speech somewhat like that which he has just now made, in respect to that decision, it was then pointed out that all the judges of that court did not agree with Chief Justice Taney in his declaration of his opinion that territory could be acquired by the United States only for the purposes of ultimate statehood; that a present purpose of statehood must accompany the acquisition.

It was pointed out at that time, by, I think, a very careful analysis of that

case, that instead of the other judges agreeing with Chief Justice Taney in that respect not one single member of that court agreed with him in that regard, unless it was Mr. Justice Wayne. There is some ground for supposing that he was in accord with the Chief Justice, but there is not a line, I undertake to say, in the decision of any one of the other members of the court that will warrant any such claim. If there is I have not been able to find it.

Without stopping to read other authorities to the same effect, I shall content myself with saying that all the authorities of the Supreme Court, where the question has been directly under consideration, have recognized the fact that there is the United States proper, composed of the Union, for which the Constitution is the organic law, and territory outside of the Union, simply belonging to the United States, which it is the province of Congress to govern as the Congress may see fit to govern it. Mr. Justice Bradley characterizes these outside Territories as mere dependencies. He was speaking of Utah, New Mexico, Arizona, etc. If they are mere dependencies, much more are our recent acquisitions only dependencies.

Ordinarily, almost without exception, heretofore, in governing this outside territory, we have extended the Constitution as one of the first laws of the Territory; and having thus extended the Constitution, and having made it to apply there, we have taken that as our rule of action, and it has obtained as the organic law in that way, but in no other way.

There, Mr. President, very ably and lucidly laid down, are the propositions that the United States can acquire territory; that it can take possession of territory; that having acquired and taken possession of territory it can govern it as it pleases; that it is not bound to admit such Territory as a State at any given time, and that it is not limited to taking territory with the ultimate purpose of making it into States. It may take it with any purpose it chooses—the fact of the ultimate purpose of statehood is not necessary to the acquisition—and the only thing that could modify the absolute control of the United States in regard to the disposition of the territory is that "a present purpose of statehood must accompany the acquisition." That last statement seems to me very admirable in its exactness—"present purpose of statehood must accompany the acquisition."

Mr. FORAKER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. The Senator has complimented me so highly in quoting at such great length from the remarks I have made on other occasions in the Senate on this general subject that I am loath to interrupt him to call his attention to what seems to have escaped him.

The propositions I laid down were two as to the acquisition of territory; first, that territory might be acquired by conquest in the exercise of the war-making power; secondly, that territory might be acquired by treaty. What I said afterwards had reference to territory with respect to which we were at liberty to deal, so far as our own obligations were concerned, as we might see fit, and did not have reference to the case where we had acquired it by a treaty containing a stipulation which obligated us to admit the inhabitants of that territory into the Union.

What I was talking about in connection with New Mexico was that it was acquired by treaty, at the close of the war it is true, but it was not acquired by conquest, except only in the sense that the conquest had gone before. We did not conquer it and simply take it and hold on to it, to do with it as we saw fit, but at the close of the war, in settlement of all differences between Mexico and the United States, we entered into a treaty of peace, one condition and stipulation of which was that we should acquire this territory which was by that treaty ceded to us, and that with respect to the inhabitants of that territory we should be bound to do certain things. One of those things was to admit them, in the way to which I called attention at the time, into the Union of the United States, in accordance with the principles of our Constitution. I am not trying to quote the language with entire accuracy.

Now, what I contended for was that the rule which had been established as to territory acquired from Spain and from France, accompanied with similar stipulations, should apply to New Mexico, notwithstanding the fact that there was a parenthetical modifying clause which invested Congress specifically with power to judge as to the time when this Territory should be admitted to statehood. I contended for that, the Senator from Massachusetts will remember, on the ground I undertook to present, that by the contemporaneous expressions of Presidents of the United States it was shown to have been the intention at the time when New Mexico was acquired to admit at an early period the inhabitants of that Territory to statehood, just as we did at an early period admit the inhabitants of California and other portions of that country to statehood.

The contention I made as to moral obligation was that although we were not in a strict legal sense bound, because of the saving effect of the parenthetical clause, yet we were morally bound, when I showed from contemporaneous history that it was the understanding of everybody who represented us in connection with the transaction that the parenthetical clause should not establish a different rule as to New Mexico from that which had been established as to this other Territory.

Mr. LODGE. Mr. President—

Mr. FORAKER. Will the Senator from Massachusetts indulge me just a moment longer?

Mr. LODGE. Certainly.

Mr. FORAKER. I was talking about the acquisition of territory that came to us at the close of the war with Spain, which came without any such obligation on our part. The treaty under which we acquired the Philippines and Porto Rico and Guam expressly provided not that the inhabitants of those Territories should at some time be admitted into the Union, according to the principles of the Constitution, as was the case in the treaties with France and Mexico and Spain, but that the Congress of the United States should fix the civil and political status of those inhabitants, which was a clear declaration that Congress should do with the matter as it might see fit, and that our Government, in taking that territory under that treaty, was under no obligation, except only to use its best judgment with respect to how it should be governed.

Mr. LODGE. Mr. President, the Senator, I think, simply restates what I have read from his previous speeches. I think I stated the position correctly—it is my own—in regard to the acquisition of territory. I do not think we differ at all. It is that we have the right to acquire territory; we have the right to govern it, and ultimate purpose of statehood is not necessary in the acquisition of territory. The only thing that can modify it is, to use the language of the Senator from Ohio, a present purpose of statehood accompanying the acquisition.

Now, those being, as I conceive, the correct principles in regard to the acquisition of territory, it remains to be seen whether, having acquired this territory (I think the language of the Supreme Court in regard to the territory acquired from Mexico was that it was acquired by conquest and purchase), there is anything which binds us to admit that territory as one or more States at any particular time.

The first territory which may be said to have been acquired and made into States was that covered by the ordinance of 1787. There is no need of my reading that. It of course provided for the entrance of these Territories as States into the Union. It fixed the terms on which they should come in, the population and other conditions. The territory was acquired by the United States from the several States, and it was not acquired either by war or by treaty, by conquest or by purchase.

The next acquisition was that from France of the territory known as Louisiana. The article which refers to the matter of statehood in that treaty is article 3:

The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.

Now, there was a direct promise to admit that ceded territory into the Union as States.

Has anyone ever suggested that there was any moral obligation upon the United States to admit under that clause any portion of that territory at any given time?

Mr. President, in the bill before us there is a portion of the Louisiana territory now seeking admission to the Union. An entire century has elapsed since the treaty was made which gave us that territory. The article was made elastic. It says "admitted as soon as possible." Who is to judge? Who can be the judge? Only the Congress. Has there been any moral obligation, or any obligation of any kind upon us to admit any portion of that territory at any given time? The very fact that a century has elapsed and we have not yet completed the admission of the Louisiana territory in the form of States is an answer to that proposition.

The next acquisition was that of Florida. Article 6 of the treaty with Spain provides that—

The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution.

Again a latitude was left by the phrase "as soon as may be consistent with the principles of the Federal Constitution." But neither in the case of Louisiana nor of Florida was there any obligation on the part of the Government of the United States to admit any portion of them at any given time. And yet, Mr. President, I think it will be found as we examine those treaties further that those are the strongest clauses in any treaty for the acquisition of territory.

In regard to the territory which was settled to be ours on the Northwestern boundary, the title of the territory rested on exploration and discovery, and the treaty which settled it said nothing in regard to any future disposition of the territory.

In 1867 we made a treaty with Russia for the purchase of Alaska. In regard to that Territory, no statement whatever was made as

to a purpose of statehood or its admission into the Union as a State. The clause in the Russian treaty applied only to citizens.

We then have the island of Tutuila, one of the Samoan group, which was set off to us under a convention between the United States, Germany, and Great Britain in December, 1899. There is nothing in that treaty in regard to statehood or in the preceding treaty, known as the treaty of Berlin.

The treaty of peace with Spain, by which we acquired Porto Rico and the Philippines, contains the well-known clause which has been so often referred to in this body:

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

Now, it will be observed, Mr. President, that in all the treaties I have cited since the Louisiana and Florida treaties there is no agreement as to statehood, and in the treaty with Spain there is a definite clause as to the determination by Congress of the civil and political rights of the inhabitants.

Yet, after all, Mr. President, there is nothing in any of these treaties that alters the power of the United States, on the theory laid down by the Senator from Ohio, to deal with territory, unless there is some clause affecting their present acquisition. The Louisiana and Florida treaties went further in this direction than any others, and yet they left us absolutely free to determine at what time the promise of ultimate statehood should be carried into effect. I now come to the treaties with Mexico, involving the rest of the territory covered by this bill. In the case of Louisiana and Florida the statement of the treaties was that we would agree to admit the territory as States as soon as possible, or whenever consistent with the principles of the Federal Government. That bound us to an ultimate gift of statehood, but was construed, as a matter of course, to mean that we could admit to statehood when in our judgment it was possible or consistent with the principles of the Federal Government.

Now, as to the treaty with Mexico:

Article IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, "according to the principles of the Constitution."

There, Mr. President, is the only treaty in which it is specifically set forth that it shall be left to the judgment of Congress when they shall be incorporated into the Union. In all the other treaties where ultimate statehood is promised the time of performance is left to the judgment of Congress by obvious and unquestioned inference. Here it is set forth in words.

A much better claim could be made that we were under a moral obligation to the inhabitants of Louisiana Territory, portions of which we have admitted from time to time. An equally good claim could be made in regard to Alaska, where there is no provision as to ultimate statehood at all. Alaska has a population of 63,000 whites, very nearly as large as the white population of Arizona. Yet, no one would think of claiming that there was any moral obligation upon us to admit Alaska. Nevertheless, there is just as much moral obligation, in my judgment, to admit Alaska as there is to admit these Mexican Territories. In fact, it seems to me that there is more, for unless language has lost its force the words "at the proper time, to be judged of by the Congress of the United States," leave it absolutely within the power of the Congress of the United States to judge of the time.

The statement is there made in a solemn treaty. What does it matter what the opinion of a President or of a Senator or of a member of the House or of anybody else may be, there it is stipulated in the treaty explicitly that these Territories shall be admitted at the time, and only at the time, which, in the judgment of Congress, is proper. That is a solemn pact between the nations, and you can not "rail the seal from off that bond." We must be, we can only be, guided by the language of the treaty, and the treaty says implicitly that these Territories are to be admitted when Congress judges proper to admit them.

Now, in the presence of that specific statement, Mr. President, in view of the language of all the treaties which I have cited and of all the principles laid down so clearly and so soundly by the Senator from Ohio himself, I contend that not only there is absolutely no moral obligation and no moral argument in behalf of statehood, but that we have an absolute contractual right to say in regard to the Territory acquired from Mexico when, in our judgment, it is proper for it to come into the Union.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. A very little of the time while the Senator has been speaking I have been called out of the Chamber. I understood the Senator to be just now quoting from the treaty

with Mexico concerning these two Territories. I wish to ask the Senator what the fact is as to whether that peculiar and significant language was ever used in any treaty before that time?

Mr. LODGE. It was not only never used in any treaty before that time, but it never has been used in any treaty for the acquisition of territory since.

Mr. BEVERIDGE. Then the point which suggested itself to my mind, and which probably the Senator has already brought out, was that there must be some particular and specific reason why our Government in making this treaty should use language never used before in any like treaty; that it should specifically provide that the territory should be admitted at the proper time, and then should provide that that proper time should be judged of by Congress. That is to say, the proper time to be judged of by Congress could easily be inferred, if it had not been put in here; but they went so far as to actually write it down in words. I call the attention of the Senator from Ohio to that particular fact, that here in this treaty, unlike any treaty that ever went before or afterwards, words were used which might readily have been implied—that is, that Congress was the sole judge.

Now, what I am calling the attention of the Senator from Massachusetts and also the Senator from Ohio to is, Why was it thought necessary to use language in this treaty never used in any treaty before or since, and also language which might readily have been inferred? Why did Congress do the unusual thing, and apparently the unnecessary thing, of putting in the express words "at the proper time to be judged of by the Congress of the United States?" Did Congress see that there might be an effort made to admit them before the proper time, and that some claim of right might be made, and therefore did Congress take care of that in this specific language?

Mr. LODGE. Mr. President, I think it is very obvious from a comparison of the different treaties that that language was put in with a purpose. This territory which we acquired from Mexico differed in an important respect from almost all the territory we had acquired before. The vast regions occupied by Louisiana were for the most part populated only by wandering tribes of Indians. From 30,000 to 50,000 people—French, Spanish, American, and English—were congregated near the mouth of the Mississippi, in what is now the State of Louisiana, but the rest of the acquisition was practically a wilderness. The same was true of Florida.

But a portion of the territory which we acquired from Mexico was populated. There were some 60,000 people living within what is now the Territory of New Mexico at the time of the acquisition—a considerable population. They were not newcomers. They had not suddenly poured into that region from other parts of North America as the men of the United States advanced into what is now Texas. They were among the oldest inhabitants of the continent of European descent. They had been there for many generations. They were an established population.

Mr. President, when the negotiators of that treaty were making it and came to this clause, which had been agreed to in substance both in the Florida treaty and the Louisiana treaty, in view of that population, long planted on the soil, of a different race and a different language from those of the people of the nation, it is not surprising that, foreseeing a possible early agitation for the admission of that region to statehood, the negotiators, out of an abundance of caution, for I do not think it was in the least necessary, put in this specific provision that that territory should not be admitted until such time as Congress deemed proper.

They put the power of judgment wholly in the hands of Congress. It seems to me that it is impossible to argue that there is any moral obligation in the utterances of Presidents or anyone else which rises superior to a treaty solemnly made between the representatives of two nations and solemnly agreed to by the President and the Senate of the United States. I do not think that the utmost ingenuity can show that there is anything anywhere in the nature of moral obligation which deprives us of the right of judging upon its merits this bill and that which it proposes to do.

I come, therefore, Mr. President, to the bill itself. It proposes to admit into the Union three new States, Oklahoma, New Mexico, and Arizona. I alluded at the opening of my argument to the importance of this measure. What indeed can be more important to the people of the United States than the admission of new States. In the progress of years this sovereign act has become steadily more important, for each State helps to govern all the other States of the Union. When I vote here to admit a new State into the Union of States, I to that extent diminish the weight of my own State in the Senate. To that extent I share the power which my own State now has with newcomers. I place on an equality with my own State a new and untried community. My first responsibility here is to the people of the United

States and next to the people of my own State. My responsibility to the people of the Territories is wholly secondary.

I think, Mr. President, that the argument for statehood for these Territories has been greatly distorted when the attempt has been made to show that this is a question concerning solely those people who inhabit the region which it is proposed to make into States. They are only one party, and the most unimportant party, to this contract. They are the people who make the great gain, it is true, if this bill becomes a law, but they are not the people first to be considered.

We have heard a great deal, and a great many zealous and eloquent appeals have been made, in behalf of the "builders of waste places." The phrase perhaps has become a trifle musty. But there is much more to be said for the people who have built States already, for the people who laid the foundations of the Commonwealths, without which there never would have been a United States. Their interests are at stake here quite as much as anyone else's, and their interests are larger than anyone else's. The interests of the 45 existing States must be first considered, and then, if you please, the interests of the people who come and ask for admission to the Union. The burden of proof is not upon us. The burden of proof rests upon those who are demanding admission to this great Union of States. They will help to govern us, if they are admitted here, and I think we have a right to say something about who shall govern us. It is a pretty important matter to the people of all the States as to who shall govern them, and we are proposing in this bill to admit some new rulers for the United States who are to take a part not in governing Arizona, New Mexico, and Oklahoma, but in governing all the States of the Union. We have a right to question their credentials pretty closely before we admit them to that great partnership.

In the early days the responsibilities in the admission of new States were not so great as they are now. The nation in which they became partners was by no means so large. The United States was not so great, the prizes before the nation were not so brilliant nor the interests so far-reaching. We admit them now, if we admit them, as partners in a great partnership. The wealth of the early States which formed the Union would be but a trifle on the ledger of a single State to-day. The interests of 1789 were very small and very narrow compared to the interests committed to this body and to the House of Representatives at the present time.

Not long ago a Senator who has done me the honor of listening to me, and who had been out of the Senate for a brief period and then returned to it—I think the interval was only of four years—said, "You probably do not realize, having been here continuously, how much the business of the United States has increased in four years. I notice it, coming back to it after an absence."

If that can be justly said of four years, Mr. President, think what the increase has been since the early days when the United States consisted of the thirteen little scattered Commonwealths on the border of the Atlantic Ocean. Then when we admitted a new State, we admitted it to the possibilities of a great future. Now when we admit a new State, we admit it to a great accomplished past, to a splendid present, to a future of wider possibilities than the founders of the country ever dared even to dream of.

The Government of the United States, as formed under the Constitution, rests on the great compromise, on the great arrangement which placed the basis of representation in one House upon population and in the other House upon the States. That arrangement, known in history as the Connecticut compromise, was the corner-stone of the Constitution of the United States. Without it that Constitution never could have come into being. If it had, it would have died at the very start. It is that balance between the representation of population and the representation of the States as political entities which has made this Government the success it has been. It is that, and that alone, which has made the Senate of the United States the only successful and powerful upper chamber in all the history of parliaments. It all rests, Mr. President, on that one theory of the balance between the States and the population.

It is not wise, Mr. President, to do anything which shall disturb that balance. We have gone too far in that direction, in my opinion, already. We must beware of creating too great a disparity between the population and the State. We want in this Chamber, where every State votes equally, to have some reasonable equality in the power, the population, and the weight of the State, in the House and in the Government.

I think, Mr. President, it is not well to bring home too often to the people of the United States the glaring contrast between a State which is the equal of New York in the Senate, but which sends 1 Representative to the House of Representatives against 36 from the great Empire State.

Mr. BEVERIDGE. Mr. President, I have listened with more

than ordinary interest to what the Senator has had to say, and I rose to suggest the absence of a quorum. I have noticed that hardly any Senator who supports the omnibus bill is here or has been here to hear the Senator's unanswerable argument on a very important point. It is one of the most important arguments which have been made, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. FORAKER. I call attention to the fact that there are more Senators who support the omnibus bill in the Chamber than there are Senators who are opposing it.

Mr. BEVERIDGE. I wish to go on record as denying that contention.

Mr. FORAKER. I make profert of the Senate.

Mr. BEVERIDGE. Well, I make profert of the Senate.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger,	Dillingham,	Kean,	Quarles,
Berry,	Dolliver,	Kittredge,	Quay,
Beveridge,	Dryden,	Lodge,	Scott,
Blackburn,	Dubois,	McEnery,	Simmons,
Burnham,	Foraker,	Mallory,	Simon,
Burrows,	Foster, Wash.	Martin,	Stewart,
Burton,	Frye,	Millard,	Turner,
Carmack,	Gallinger,	Morgan,	Vest,
Clark, Wyo.	Gallagher,	Nelson,	Warren,
Clay,	Hanna,	Penrose,	Wellington.
Culberson,	Hansbrough,	Platt, Conn.	
Cullom,	Heitfeld,	Platt, N. Y.	
Daniel,	Hoar,	Proctor,	

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names on the roll call. There is a quorum present.

Mr. BEVERIDGE. Mr. President, with the permission of the Senator from Massachusetts—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. Mr. President, I am perfectly aware that in suggesting the absence of a quorum, I exercised merely my constitutional right, and that that act requires no explanation as a matter of law; yet I desire to say at this juncture that that was not done to inconvenience Senators, but during the very able address of the Senator from Massachusetts [Mr. LODGE], the unanswerable argument of the Senator from Massachusetts, on one phase of this matter, which he has now concluded, I could not help but observe, nor could others help but observe, that very few Senators who support the omnibus bill were here to hear him.

Mr. WELLINGTON. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. BEVERIDGE. Certainly.

Mr. WELLINGTON. I am prepared to say that there were upon this side of the Chamber more opponents of the views of the Senator from Massachusetts than of those who favor them who were listening to his speech. There is no question of it.

Mr. BEVERIDGE. That statement of the Senator from Maryland [Mr. WELLINGTON]—welcome, as any statement which he makes always is—does not have even the force of novelty, for it had just been made by the Senator from Ohio [Mr. FORAKER]. The Senator from Ohio further stated that he was willing to make profert and I said I was willing to make profert. I think I am fairly well informed about the attitude of almost all the Senators who were here; but whether it is true or not that more of one side or of the other side were here, it nevertheless is true that not only the majority, but the very great majority, of those who are claimed as favoring this measure were not here.

Mr. President, the Senator from Ohio the other day made an argument upon the rule to be deduced from the treaties concerning the acquisition of territory—a speech of great ability, which impressed the Senate and the individual members thereof, and the Senator from Massachusetts proceeded to answer that argument to-day so completely that his argument amounted to a demonstration. Even when the Senator from Ohio was appealed to, when his attention was directly called to that, he made no defense. Now, I submit if it is true that the argument of the Senator from Ohio the other day made an impression upon the Senate—and who will deny it?—that it is nothing more than just that those who were thus impressed should be here to listen to its refutation. Therefore, Mr. President, I say it was not a matter of vexation, but a measure of simple justice to all Senators who are making up their minds and whose minds are not already concluded without argument, that they should be here to hear that argument.

Now, the Senator from Massachusetts has concluded that one phase of his argument and is proceeding to another, and, assuming

that his demonstration upon his next point would be as conclusive as his demonstration upon the first point, I called for a quorum. Senators must understand that it was not done in any wise to inconvenience Senators, but merely that Senators should hear the refutation of the excellent argument made by the Senator from Ohio, to which we listened with such attention and with which we were all so well impressed.

Mr. GALLINGER. Will the Senator from Indiana permit me a question?

Mr. BEVERIDGE. Yes; I am through.

Mr. GALLINGER. I was about to ask the Senator from Indiana why he does not exercise his constitutional right of calling a quorum, and do it, as the rest of us do, without lecturing the Senate? [Laughter.]

Mr. BEVERIDGE. Well, Mr. President, the Senator from New Hampshire has injected many medical terms into this debate, always to our instruction and usually to our amusement; but the Senator can not say, however much the Senator may indulge in that, that I have indulged in any lecture of the Senate. I do stand here, however, to say that as a Senator in charge of this bill, representing the Committee on Territories, when as perfect an argument as the Senator from Massachusetts has made in direct answer to the able argument of the Senator from Ohio, which I say impressed us all, it was only reasonable that I should take such measures as might be needful to see that Senators who heard the argument of the Senator from Ohio should also hear its answer by the Senator from Massachusetts. In doing that I am not assuming to lecture the Senate.

Mr. GALLINGER. I will ask the Senator if it has occurred to him that possibly the distinguished Senator from Massachusetts does not care to have it advertised to the country that nobody is listening to his very able argument? [Laughter.]

Mr. BEVERIDGE. I do not know what has occurred to the Senator from Massachusetts, but I am sure, whether anything has occurred to the Senator from Massachusetts or not, the Senator from New Hampshire will imagine it as having occurred and so state it. So we are in no danger of losing anything that the Senator from Massachusetts might have imagined, because we can be sure we can have it direct from the lips of the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, of course that is an assumption that has no foundation in fact.

Mr. BEVERIDGE. Perhaps that is so.

Mr. GALLINGER. That is absolutely so, and if I choose to make an observation concerning the only thing I have said on this bill, and state the exact facts about it, perhaps it would not rebound to the credit of the Senator from Indiana.

Mr. BEVERIDGE. It might not, Mr. President. I have no doubt, so far as that is concerned, that we might all indulge in opinions here—and statements of facts, too—more or less disagreeable to each other; but that is something, however, which thus far in this debate I have particularly and with care and watchfulness, so far as I am concerned, kept out of this debate. The Senator from New Hampshire is the first Senator I have heard inject anything of that kind into the debate.

Mr. HOAR. What is the regular order, Mr. President?

The PRESIDENT pro tempore. What is known as the statehood bill is the regular order before the Senate, and the Senator from Massachusetts [Mr. LODGE] has the floor.

Mr. HOAR. I call for the regular order, Mr. President.

Mr. LODGE. Mr. President, I have been, of course, interested in the discussion over the numbers of my audience, but although I can not convert all those who have votes upon this bill to my side, I have a sufficient number of attentive auditors, to whom I am very grateful, without being obliged to fill the chairs on the floor by compulsion or otherwise. If I can not draw them into the Chamber by the charm of my eloquence, I am quite content that Senators shall enjoy themselves elsewhere.

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him, I think it is due to the Senator to say—

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I think it is due to the Senator from Massachusetts that it should go into the RECORD that the Senators who are absent from the Chamber are not absent entirely of choice, but they are almost altogether absent engaged on committee work and attending to their duties as Senators elsewhere. I am sure all Senators would be glad to stay here and listen to the Senator from Massachusetts if it were not that they were called away by duties quite as imperative as they conceive to be the duty of sitting here.

Mr. LODGE. Mr. President, of course the Senator from Ohio knows that I understand that perfectly, and that I am entirely

content, as I have said, with my audience, although they can not all vote.

I was speaking of the importance of a bill of this kind to the vast interests and great population of certain States, and of the equal importance of keeping in some measure that balance between the population and the States which lies at the basis of our Constitution.

In this connection, Mr. President, when this argument as to the importance of this matter has been brought before the Senate, as it has been very ably by other Senators, I have heard it repeated more than once—and the same statement will be found in the reports of the minority—that we have admitted new States into this Union in the past with very small populations, with fewer claims to entrance than the present applicants possess, and the fact that we have done so seems to be advanced as a conclusive argument that it is right to do it again.

Mr. President, recklessness in the past in matters of this importance is no argument for recklessness in the present—it never is in regard to any legislation—and it certainly can not be in regard to legislation of such moment as that of a bill to admit new States.

We attempt to throw around the admission of a single immigrant into this country safeguards to protect the citizenship of the United States as well as their health and general welfare. Those safeguards are, to my mind, very insufficient; but the attempt to guard the people of the United States in regard to the admission of immigrants is a well-established policy in our legislation. We have also thrown safeguards around citizenship itself. We require certain formalities, certain conditions, before we admit a man to citizenship in the United States. If the law is properly administered, he is to be asked certain questions to discover whether he possesses the necessary qualifications. The laws in regard to naturalization, in my opinion, like the laws in regard to immigration, are insufficient, and could be greatly improved and infinitely better enforced. But, nevertheless, both laws show that it is the intent of the Government, and must be always the intent of a government where every man of a certain age forms a part of the governing power, to protect their citizenship.

If it is important, then, that one man should have proper qualifications, first, to settle in the country, and second, to become part of its citizenship, what shall be said of the importance of admitting an entire community, many thousands of men at one stroke, to the citizenship of the United States, and admitting them, not merely to citizenship, not merely to a vote, but admitting them to representation and to power as an integral part of the Government of the United States? No, Mr. President, the fact that we have been careless in our immigration laws and that they are insufficient is no argument why we should not be more careful to-day. The fact that our naturalization laws are not properly enforced in many places is no reason why they should not be well enforced. The fact that we have been careless in the past and have admitted new States very easily and heedlessly is no argument that we should be careless and incautious to-day. On the contrary, every argument makes in one direction, that our care and our caution in the admission of new States should become greater and more minute as the years pass by, because with every passing year the estate to which we admit these new partners becomes greater, the heritage in which they are to share grows nobler and richer.

This argument loses none of its force from the fact that the Territory now involved is the last Territory within the old borders of the United States which is capable of admission to statehood. We have other vast Territories which belong to the United States. We have the district of Alaska, growing in population and in wealth. We must be very careful how we set precedents here in regard to these Territories if we remember that vast region of the Northwest which may before many years come knocking at the doors. We do not wish to put ourselves in the position where we shall be unable to say, in view of our previous action, "We do not think that your conditions are such as to justify statehood." We do not wish to put ourselves in such a position that we can not say to them, "There is something more than numbers or area to be considered; there is the fitness of the people, their situation, and their geographical relation to the rest of the United States."

Let us beware, for here we are not merely closing a long list of admitted Territories, but we are continuing a process; we are making a precedent. We should not forget that here in the Atlantic Ocean we have acquired an island with a population at least three times greater to-day than the population of New Mexico and Arizona put together. If we are careless in the principles we lay down now in regard to these Territories, that island may come and say, "You must admit us, for you have admitted Territories

without regard to the quality of population, and in numbers we far surpass those which you have already let in."

We must take into consideration the fact that in the Pacific are the Hawaiian Islands, fit in population to come into the Union of States, long under American influences, with American schools, American churches, and the language of the United States. They may come to our doors before many years have passed, and we want to be very careful before we lay down as a principle that we have not the most absolute right to pass upon every condition surrounding a new Territory. It is not enough to say: "You have belonged to the United States so long, you count up in the tale so many men, and, therefore, you have a right to come in." We must hold firmly to the position that we have a right to say to the communities who come and demand this great privilege. "It is not enough that you should have a population which is equal to that of a Congressional district, for we have the right to ask of you, you applicants for this highest of privileges, whether in your general structure of society, in your language, in your schools, in your prospects, in your business, in your geographical situation you have a just claim to come in, and whether it is for our interest—not your interest, but the interest of the United States—to admit you as a State of the Union."

If we say to the people of New Mexico: "It is no matter whether you speak English or whether you speak Spanish," can we turn around to the people of Porto Rico and say: "You can not come into this Union until you have become an English-speaking people?" We must beware in admitting new Territories what precedents we establish, for we have acquired in these last few years new and distant territories, and we ought to exercise now more than ever before the utmost caution in proceeding with the admission of any region as a State of the Union. The precedent we set is more important to-day, in my opinion, than it has ever been and deserves a more thorough consideration for this reason, if for no other.

Mr. President, a word now as to the structure of this bill. It is what is known as an omnibus bill. I think the form, as a rule, an extremely bad one for any legislation. It has been used in Congressional practice hitherto for the purpose of passing claims, where it is not unreasonable, although even then not free from objection. Congress, instead of struggling at odd moments with individual claims, has finally adopted the practice of putting at intervals, say every two years, into one bill the claims which have stood fire the longest and been passed oftentimes by the two Houses without final agreement, and then enacting them all as one measure. I am not sure, as I have said, that this is a particularly good method, even with claims. I think, perhaps, it is better than the old method, and possibly it is the only practicable method; but to treat a proposed State of the Union as if it had no greater importance than a claim for a burned cotton bale, to be jumbled in with another State, totally different, perhaps, in everything that constitutes a State, to put them all together and then ask us to vote on them in that way, seems to me the worst method which could be devised.

Mr. QUAY. Mr. President, will the Senator from Massachusetts permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. With pleasure.

Mr. QUAY. My recollection is—I may be mistaken, and if so the Senator from Massachusetts can correct me—that the Dakotas and Idaho were all admitted in one bill.

Mr. LODGE. They were, I think, and it was a miserable way to do it.

Mr. QUAY. Did not the Senator support that bill?

Mr. LODGE. If I was in Congress at the time, I probably did.

Mr. BEVERIDGE. Mr. President, will the Senator from Massachusetts permit me, in answer to that—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. I desire to say to the Senator from Pennsylvania—and then I will allow the Senator from Indiana to answer him—that if I voted for such a conglomerate bill in the past I learned something from my mistake. Those were not votes I was pleased with at the time; those were not methods of legislation which I liked. Those Territories came in as States, as is well known, in two groups, and they came in on two bills, owing to party compromises. I thought then it was a bad method. Now I am more than ever convinced that it was a bad method.

Mr. BEVERIDGE. I merely wanted to say that if the Senator from Pennsylvania thought there was anything in the attempt to convict the Senator from Massachusetts of having supported an omnibus bill before, it might be readily set off by the fact that there are now Senators in this Chamber and members of the other House who opposed that bill very vigorously who are now

supporting this bill as a matter of right. So if the Senator makes that point, we file the counter claim.

Mr. LODGE. Mr. President, I think that that method of legislating for statehood is a very bad one, and the question of the Senator from Pennsylvania is an illustration of what I was saying a few minutes ago. It is the argument that we have been reckless in the past, therefore it is a good thing to be reckless in the present; because we have admitted States by a bad method in the past, therefore it is a good thing to do it now. As I remember, the bills to which the Senator from Pennsylvania referred were made up in a way to satisfy party exigencies. It was an agreement, I think, between the parties—"If you will let in one State, we will let in another." I do not think political reasons of that sort are a good ground for letting in States. Still less do I think it a good way to let in a State when it has not even the excuse of a political agreement.

An omnibus bill is intended and put together, of course, for the purpose of concentrating as many votes as may be. One of the definitions of the word "omnibus," as my colleague reminds me, as found in the dictionary, is that of "catch-all," and I suppose possibly that that is the principal advantage, if not the only advantage, of this bill in its present form—that it catches all the votes possible for the admission of these Territories to statehood.

Mr. President, in dealing with several States one State may be fit and another State may not be fit; one State may have every qualification to come into the Union and another may have none. You yoke them together in this way and try to float through the weak case on the back of the strong one. It is exactly as if in naturalizing aliens we should ordain that if they brought up a batch of five men, and made a good case for one, we would then admit all five, merely because that one man was fit for naturalization. Suppose we were asked to naturalize men in groups. Everybody would regard it as preposterous. We naturalize only one man at a time. We admit men to citizenship singly; but when it comes to admitting a community to citizenship, to admitting a new State, on this floor they are not to be judged singly, but we must run through three of them at once.

Now, Mr. President, that is not all in regard to the structure of this bill. It is understood that no amendment is to be allowed; that all amendments are to be voted down. The substitute was withdrawn as an amendment, because it was understood, as I am informed by the committee, that if it was pending, a motion would be made to lay it on the table.

Mr. President, in the ten years I have been in the Senate I have never seen a motion made to lay a substitute bill on the table—one offered in good faith. The motion to lay on the table—

Mr. WELLINGTON. Will the Senator permit me for just a moment?

Mr. LODGE. Certainly.

Mr. WELLINGTON. I think possibly the Senator is mistaken concerning the manner of the withdrawal of the substitute. I understood the committee had withdrawn it for the purpose of perfecting it. That was the statement of one of the gentlemen of the committee, as I understood him. It was not because there was any danger of a motion of the kind stated, but because the committee desired to add to it and make it perfect.

Mr. LODGE. Very well. If that is the reason—

Mr. QUAY. Will the Senator from Massachusetts permit me?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. Certainly.

Mr. QUAY. If the committee withdrew it for the purpose of perfecting it, being a member of the committee, I have heard nothing of any attempt to perfect it up to this day. I do not think, and if I am in error the Senator from Indiana will correct me—I do not see him in the Chamber at the moment—that the committee has ever met from the day the substitute was reported.

Mr. LODGE. I may be mistaken; I am not a member of the committee; I am not speaking with any authority; but my understanding was that if the substitute had been moved, the motion would immediately have been made to lay it on the table. Now, the motion to lay on the table—

Mr. QUAY. If the Senator will permit me, I can probably explain that. I think there is some truth in what the Senator says. It has this basis of truth, that there was discussed the question of taking possession of the substitute, not with the intention of cutting off debate, but of introducing a motion to lay on the table, and then permitting debate by unanimous consent until in the judgment of the majority of the Senate the time for the cloture had arrived. That was discussed. There was no declaration with respect to it.

Mr. LODGE. Mr. President, the statement of the Senator from Pennsylvania confirms the information I had. The motion to lay on the table was of course placed in the rules in order to cut off

or to limit in some degree the power of offering trivial, time-wasting amendments. It is used sometimes—I have seen it so used—on a measure like a tariff bill, where there is a great multitude of amendments and the debate has run on for a long time on one amendment. The motion to lay on the table is then made to cut off debate on that amendment. But this is a different case. The committee bring in one bill, and the minority of the committee offer a substitute. That substitute ought to be before the Senate. We ought to have the opportunity, the universal, parliamentary opportunity, to perfect both the substitute and the bill before they are brought to a vote. We can not get a vote on the substitute until we have had an opportunity to perfect it, and we can not have any opportunity now to offer an amendment to the substitute because it can not be moved until the last moment when we are ready to come to a vote. No amendment, no matter what it is, is to be allowed to the pending bill. We have to take this great bill, creating three States in the American Union, as it came from the House, without crossing a "t" or dotting an "i." It is the greatest surrender of the functions of the Senate on a bill of that kind that ever was proposed. Does anyone suppose that a bill like that can come out of the House absolutely perfect and that we are not to be allowed to change a word or a line in it?

I understand that the Senator from Georgia [Mr. BACON] desires to offer an amendment affecting the name of one of the Territories. I am not sure whether I agree with that proposition or not. But it seems to me it is a very reasonable proposition and one that we ought to consider. I am perfectly certain that we ought to change the name of the Territory of New Mexico, if we are going to admit it. I think to admit as one of the States of the Union a Territory which bears the name of the adjoining country by prefixing the adjective "New" shows the greatest vacuity of mind of which it is possible to conceive. It is no more New Mexico in point of age and settlement than any part of the Republic of Mexico, and I think we had better give the States that we admit American names. Why should we want to have a State in the Union whose inhabitants shall be spoken of as "Mexicans" and "New Mexicans?" I think there is a good deal of argument to be made on the question of the name of the Territory. But we are not to be allowed to change the name no matter how good the cause for a change may be.

I also have received letters from constituents of mine who are interested in certain bonds—I do not know the merits of the loan or what it is. They are known as Santa Fe bonds. I suppose they are the bonds of Santa Fe County. I will look and see just what they are. He says:

Then the bill ought to be amended so that the indebtedness of the various counties, especially Santa Fe County, N. Mex., shall be taken care of. Otherwise the bondholders are likely to be placed in a bad fix. I am one of the bondholders of Santa Fe County, N. Mex.

That is from a constituent of mine who owns bonds issued by one of those counties. I do not know what protection there is for him in this bill. He is evidently satisfied as a bondholder that he is not protected. He wants more protection for the recovery of the money which he has lent in good faith. He wants to be assured, so far as law can assure him, of the payment of his just debt, principal and interest. But no amendment can be put in to protect him or any other man who has lent money for any purpose to counties in either of those Territories.

Mr. MASON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. Certainly.

Mr. MASON. The Senator would not ask to have the new State or the old Territory assume the county indebtedness of one county or increase the security of the bondholder; and certainly no act we could pass would decrease his security under the law.

Mr. LODGE. I would have the State made responsible for the county bonds, the issue of which it authorized.

Mr. MASON. That is when a State—

Mr. LODGE. Authorizes a county to issue bonds.

Mr. MASON. Authorizes a county to issue bonds for county purposes, and your constituent loaned money to the county, you would now ask the State to pay the county debt?

Mr. LODGE. I would. After the Territory had done it, I would make the State responsible and let the State deal with its county in its own way. That is exactly what Arizona has done as a matter of fact. She has assumed the county debt—

Mr. MASON. I judge from the debates here that when that was attempted to be done it was not entirely satisfactory.

Mr. LODGE. Arizona repudiated one set of bonds and accepted two other sets of bonds.

Mr. CLARK of Wyoming. May I ask the Senator from Massachusetts a question?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. Can the Senator recall an instance in the history of the United States where a State has so assumed the payment of the bonds of a county or been held liable for them?

Mr. LODGE. I do not say after a State, as a State, does it. Of course, I do not mean to say that we can compel a State to pay county bonds; but I do say that we can compel a Territory, which belongs to the United States, to be middling honest when it comes into the Union.

Mr. CLARK of Wyoming. The Senator makes an assumption that is not warranted by any state of facts which has ever existed in any Territory in the Union.

Mr. LODGE. I do not say it ever existed in regard to any Territory in the Union. I say it ought not to exist, and we have a right to protect our constituents.

Mr. MASON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. MASON. I do not care to interrupt the Senator if he objects.

Mr. LODGE. Not in the least.

Mr. MASON. I am sure he wants to be correct in the matter. I do not care to discuss with him the proposition that his constituents should have increased security by reason of statehood. I think your constituent loaned the money to the county, and he should look to it. I do not care to discuss that. But the omnibus bill—I suppose it has not been called to your attention—provides that the constitutional convention, when called, can name the State whatever the people of that State desire to name it. So your objection as to calling it New Mexico would hardly be a sound one, when the bill itself which we are to pass, if we can get a vote on it, provides that the people in their constitutional convention, which is the nearest convention to the people, are to be permitted to name their State.

Mr. LODGE. I think while the Territory is still ours—and it is ours while it still belongs to the United States and is under its Government—we have a right to make such terms as we please before we part with all power over it.

Mr. MASON. Do you not think it is a fair proposition to permit the people of the State to christen their own State in their constitutional convention?

Mr. LODGE. Judging from some of the results, I should say we could better trust the Congress of the United States.

Mr. HOAR. I dislike very much to interrupt my colleague, but may I make one suggestion in this connection?

Mr. LODGE. Certainly.

Mr. HOAR. Is it not the true principle that these county debts are wholly or largely contracted for State purposes and State instrumentalities, for court-houses and schools, and things which the State does? I respectfully submit to the honorable Senator from Illinois, and to other Senators who have interrupted my colleague, that where a State has permitted its counties to build court-houses or to establish schools or universities or do any of the things which are recognized as the functions of the State (a function which the State performs for convenience by dividing itself into counties to do it) it is not only reasonable but decent that the State should see that those debts are paid, for the State has had the benefit.

Mr. MASON. I will say to the Senator that it is not the law, nor can I conceive that the ethics are, that when I loan a county money, and when the Territory asks for a certain advantage, to become a State, I should stand in the doorway and say, "Now, unless you pay the debts of your county, you can not become a State."

Mr. HOAR. Mr. President—

Mr. MASON. Let me finish my illustration. We passed a bill here some days ago, without the aid or consent of the Senator from Massachusetts or myself, which permitted one of our children, as you have described the county as being a part of the organization of the State, the Philippine Islands, to coin silver. We gave them the free and unlimited coinage of silver. We did not like the medicine for ourselves, but we permitted our child to partake of it, much to the discomfiture of our child and at the loss of some millions of dollars. They issued that coin with our consent, with our approval, with our permission. Are we to stand in the doorway and say, "We are to pay all those debts?" I think possibly in good morals and good ethics we should.

But the junior Senator from Massachusetts is here just this moment speaking for a bondholder who loans money to a county; and this bill provides for the safety of his security, and that the contract of the loan made by his constituent with that county shall not be impaired. Whether this bill passes or not, he will hold the same security for the debt that he does now.

My proposition is that when, on the great question of making a State, we leave the creditor in the same position that he was in,

not lessening the value of his security, he ought not to stand in the way of the progress of the rest of the State by saying: "I have caught you in a tight place, and I want your bond. The county issued the bond as a part of the proposed State. You permitted it." For the bondholder was a party to the contract and was satisfied with the security. I say it is not only against precedent and against practice, but it is manifestly unfair to ask the other counties of the State to become guarantors upon the bonds issued by one county.

Mr. HOAR. If I may have my colleague's permission for one moment, to illustrate the point—

Mr. LODGE. Certainly.

Mr. HOAR. I happen to have some familiarity with it from former employments as counsel, and I have a question now coming before the Supreme Court of the United States involving the principle with which we are dealing, which makes me presume to say something about it.

We had a law in Massachusetts by which the several towns raised money to provide their quota of soldiers for the war, and the question arose before our supreme court of the constitutionality of the law which allowed the towns to do that. Our supreme court said, "This is a matter that the State of Massachusetts is doing. She is furnishing her quota, but doing it by the towns is merely a convenience; it is a State instrumentality; it is the action of the State, and it is made uniform by the various towns contributing their share."

Now, that being true, the Territory of Arizona, or whichever is the one under discussion, adopts a method of performing, through the counties, Territorial obligations of the government, namely, the building of bridges, the establishment of schools, and other things of that kind, especially the building of court-houses, providing for the holding of court. That is the only way in which the county could constitutionally do such a thing; that is, the Territory, for convenience, divides up a Territorial function among the different counties. The Territory had the whole benefit of this bondholder's loan. The Territory would have had to do it if the county had not; and the Territory did it practically through the instrumentality of the counties.

Now, then, it is proposed by the Congress of the United States to wipe that Territory out of existence, with all its obligations, with all its capacity to raise money as a Territory, with all its capacity to pay debts or perform public obligations; and it seems to me that the contention is a very reasonable one. "Before you do that, you must see that your past public obligations are secured and performed." Now, whether that is true or not, that is what seems to me to be true and wise and sensible.

Mr. MASON. May I say one word? My proposition is, if the Senator please, that the bill now before the Senate provides that the contract already made for the security of debts shall not be impaired, and that there shall be no diminution of the Territory and the property originally given as a guaranty of those bonds.

Mr. HOAR. But the equitable obligation of that Territory to see that that thing is done by its county is impaired and its power to do so is destroyed. There is to be no more Territory.

Mr. MASON. Suppose there are two counties, and one desires certain improvements, and the State says, "We can not afford to build you a county court-house, but if you want to tax the people of your own county you may, if you can establish a credit in Boston where you can borrow the money, and there is a man who is willing to loan it to you, and take it upon your county and not put a mortgage upon the lands and the property of other counties," where is the injustice in leaving it just where it was when the party assumed the loan?

Mr. HOAR. We have just built a new court-house in the county where I live—the county of Worcester—and paid for it by a county debt. I undertake to say that if the Commonwealth of Massachusetts should be merged into some other State or be annexed to Rhode Island, our larger neighbor, or something of that kind, the Congress of the United States ought to see that Massachusetts, before she were abolished, provided that all the public obligations contracted by her counties for her benefit were secured.

Mr. MASON. That is just what this bill does. It provides that all the security—

Mr. HOAR. No.

Mr. MASON. It provides that all the security originally taken shall be unimpaired. The making of a new State is not a collection bureau.

Mr. HOAR. But the Senator leaves out of sight the point that one principal security for these county debts is the moral obligation of the Territory to see that they are paid. You propose to destroy that.

Mr. MASON. And the Senator can see no injustice—

The PRESIDING OFFICER. Senators must address the Chair.

Mr. MASON. I beg pardon. The Senator can see no injustice in the county adjoining you that has not a court-house—

Mr. HOAR. Not the slightest.

Mr. MASON. Being taxed for your court-house—

Mr. HOAR. Not the slightest in the world.

Mr. MASON. While they have to go and build their own court-house at their own expense?

Mr. HOAR. I see not only no injustice, but the highest justice and moral obligation.

Mr. MASON. They shall build your court-house, and you shall not assist them to build theirs?

Mr. ALDRICH. I should like to ask the Senator from Illinois a question, if the Senator from Massachusetts will permit me.

Mr. LODGE. Certainly.

Mr. ALDRICH. He is engaged in the discussion of this question from an ethical standpoint. As I understand, he thinks that these counties in New Mexico and elsewhere ought to be allowed to repudiate their debts through a technical defense which he has set up here.

Mr. MASON. I hope the Senator does not—

Mr. ALDRICH. The junior Senator from Massachusetts read a letter which shows, so far as it shows anything in connection with this discussion, that there are certain counties, including the county of Santa Fe, N. Mex., which are trying to repudiate their debts. That is a consideration which addresses itself to the Senate, and it is a very important point outside of the technical question which the Senator from Illinois raises, as to whether we should admit into the Union a people, a community, or a set of communities, or a combination of communities, with such repudiating tendencies.

Mr. MASON. I hope the Senator does not understand that I have any such idea of common honesty.

Mr. ALDRICH. No; I did not understand that the Senator went quite to that extent, but the Senator said—

Mr. MASON. I say this: That upon the question of the admission of new States it should neither be made an opportunity of evading an honest debt nor should it be made a collection agency whereby gentlemen who have loaned money to a county seek to increase their security by spreading that debt out upon the people of the State, who have not had the benefit of the county improvement. That is my contention.

Mr. ALDRICH. But in communities entitled to admission into this great commonwealth of States there ought to be no collection agency necessary.

Mr. MASON. That is just what I say, and when the question—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I yield to the Senator.

Mr. MASON. If the Senator will read the bill we are asking the Senate to pass he will see that it provides every dollar of that indebtedness shall be paid, and that it shall be paid by the people who promised to pay it, and that the security which they originally took when they loaned their money shall neither be enlarged nor diminished. If that is not a fair security and a fair collection I do not know what is.

Mr. WELLINGTON. Mr. President, I desire to say merely one word concerning the assertion made by the Senator from Rhode Island. He says that the letter read by the Senator from Massachusetts indicates that there is a purpose to repudiate upon the part of the county of Santa Fe. I submit that there is not anything in the letter which the Senator from Massachusetts has read which indicates anything of that kind.

Mr. LODGE. I did not read the whole of the letter.

Mr. WELLINGTON. But the part which was read to the Senate.

Mr. LODGE. I read only the last part.

Mr. ALDRICH. I would be glad to read the letter for the information of the Senator.

Mr. WELLINGTON. I am speaking of what was read in the Senate.

Mr. LODGE. I shall be obliged to the Senator from Rhode Island if he will read the whole letter.

Mr. ALDRICH (reading):

Unless the bill is amended so that the indebtedness of various counties, especially of Santa Fe County, N. Mex., is taken care of, the bondholders are likely to be placed in a bad fix.

I can not understand how they can be placed in a bad fix unless there is some tendency on the part of these counties to repudiate their debts.

Mr. WELLINGTON. I do not look at it in that way.

Mr. ALDRICH. That would be my understanding of the language.

Mr. WELLINGTON. I wish to say just one other word, if the Senator from Massachusetts will permit me.

The senior Senator from Massachusetts [Mr. HOAR] a moment or two ago said that in his county they built a court-house and that that court-house stood as against the people of Massachusetts. I have never in my life heard of any county in any State building a court-house in that manner. A county debt is a county debt, and not a State debt. Whether it be in a Territory or in a State it is a county debt, and a county debt only. If in the State of Massachusetts an attempt were made to make the debt of Worcester County the debt of Massachusetts, there would be a beautiful state of affairs.

Mr. LODGE. Mr. President, I only introduced that letter as an illustration. There is unfortunately in the minds of some persons a very unjust suspicion, no doubt, but there is a suspicion in the minds of some persons, especially those persons who have lent them money, that "the heroic builders of waste places" whom we have heard so much eulogized here do not always pay their debts, and their anxiety finds expression in such letters as this. It has found expression also in the actions of Mr. Coler. The result has been that the unfortunate persons who have lent money to the "heroic builders of waste places" are held up as a set of sharks because they want to have their debts paid.

Now, it seems to me that that is a reasonable desire. I do not see why the men who have lent money to "the builders of waste places" should not get paid just as much as the men who have lent money to somebody else; and if they have doubts as to the probability of their getting paid I think they have a right to express them, and I think we have a right to look into this bill, and before those borrowers pass out of the hands of the United States, to inquire if the citizens of the United States who have lent money there are properly protected. I have a great regard and admiration for the "builders of waste places," but I also have some regard for the people of Massachusetts, and if any of them have interests in the Territories and desire protection, to the best of my feeble power I shall try to give it to them.

I have been led off in this matter of the debt. I used it only as an illustration, but as it has been so much discussed I will add one word more.

Perhaps every right of my constituent, whose letter I have read, is protected in this bill. Perhaps it is not. If it is not, we can have no amendment. It makes no difference whether the protection is there or not, there is to be no amendment. No amendment is to be allowed on any part of the bill. There is such an overwhelming popular demand for this bill that its friends are afraid to let it go back with an amendment to the House of Representatives, where it originated. They do not dare to trust it in the hands of those who carelessly sent it to us without sufficient observation. They are not willing that the House of Representatives should have an opportunity or a chance to change its mind.

Mr. President, I think a bill which we are afraid to have go back to the House for fear it will die in the place where it was born, and therefore that we can not amend, is a bill, considering the importance of its object, which warrants the strongest and most determined resistance those opposed to it can give. The very fact that the bill is not to be changed or amended in any respect like other bills which come before the Senate, and that we must pass it just as it is or not at all, and that all amendments are to be voted down, is, to my mind, an absolute justification for resistance to this bill at every point and at every stage to the utmost extent of our power.

Mr. President, I have spoken of the nature of the bill as here presented, and now I wish to speak of the conditions which, it seems to me, ought to exist in order to warrant our admitting any Territory or any portion of a Territory belonging to the United States as a State of the Union. We of course do not propose to admit waste land, unoccupied and uninhabited territory, great vacant spaces of the earth, to the privileges of States and to representation here merely because they belong to us or because we have acquired them in a treaty in which we have said that we will some day admit them to statehood. No sensible man wishes to create States like that. They would be worse than the famous borough of Old Sarum, which was one of the best examples of the evils which led to the English reform bill in 1832, being a supposed town or village which had a member of Parliament, although no such village existed. We can not admit as a State a merely vacant space of the earth's surface. Population, therefore, must be the first condition of the admission of a State.

Now, as to what shall constitute a sufficient population to warrant the admission of a given area to statehood is worthy, as I think, of some examination. The framers of the Constitution said that there should be at least 30,000 before a new State could be admitted; that is, we having a population, roughly speaking, at the time of about 4,000,000 people, they thought it was not fair to admit a new State into the Union with less than 30,000 inhabitants. They held that to be a fair number in proportion and in relation to the people of all the United States. Thirty thousand

is about 2½ per cent of the four million population, and 2½ per cent of 76,000,000 is something like a million and a half. I am speaking in round numbers.

That is the first guide we have to go by, the fact that the framers of the Constitution thought a State to be entitled to admission into the Union should have a population amounting to 2½ per cent of the total population of the United States.

We now come to the ordinance of 1787. They fixed the population at 60,000. Neither of these figures has been followed in the admission of States. The number accepted as sufficient for admission has been entirely arbitrary; and the rule or custom which has become familiar to men's minds, that to admit a new State it should have as much population as should be enough to constitute a Congressional district at that time, is just as arbitrary as any of the others. The question of population must be to a large extent a question of discretion. It would not be fair to a new Territory to demand that it should necessarily have a million and a half inhabitants. That might be much too large. On the other hand, we have the absolute right to demand that it should have a population sufficient to prevent its being too much out of relation to the other States and to prevent the difference between the representation here and that in the House from being too glaring. There is no rule or law as to how much population a new State ought to have. It certainly ought not to go below what is requisite for one Congressional district. A new State ought to have at least the population which is required of every Congressional district in the United States. It should have enough population to have one Representative on the floor of the House without regard to its being admitted as a State. That does not seem an unreasonable demand.

Mr. DUBOIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. With pleasure.

Mr. DUBOIS. I do not know that I clearly understand the Senator from Massachusetts. Does he intend now to establish a brand-new precedent?

Mr. LODGE. No; I am not establishing any precedent at all. There is no precedent.

Mr. DUBOIS. With the exception of Utah and South Dakota, I think there has been no State admitted for a number of years when their population entitled them to a representation in Congress.

Mr. NELSON. Mr. President, will the Senator from Massachusetts allow me to reply to that?

Mr. LODGE. Certainly.

Mr. NELSON. The Senator from Idaho is utterly mistaken.

Of the nineteen States west of the Mississippi River which have been admitted into the Union, all, with the exception of four States, either had more than or pretty near the ratio for a Representative at the time of their admission. I will read the figures, if the Senator from Massachusetts will allow me, in this connection.

Mr. LODGE. With pleasure. I shall be very glad to have the Senator give the figures.

Mr. NELSON. I have a statement here which illustrates what I say. As we go back over the history of our country, we find the ratio of representation to have been as follows:

In 1790, it was 33,000; in 1800, the ratio was 33,000; in 1810, 35,000; in 1820, 40,000; in 1830, 47,700; in 1840, 70,680; in 1850, 93,423; in 1860, 127,381; in 1870, 131,425; in 1880, 151,911; in 1890, 173,901; and in 1900, the present ratio, or the ratio for the next House of Representatives, is 194,182.

Now I will compare the different States with this ratio. Louisiana was admitted in 1812. The ratio in 1810 was 35,000. At that time, according to the census of 1810, Louisiana had 76,556 people. Allowing for the two years' increase, it is evident that Louisiana had more than twice the ratio needed for a Representative in Congress.

Coming to the State of Missouri, it was admitted in 1821. The ratio for a Representative in 1820 was 40,000, and the population of Missouri in 1820 was 66,557, giving it population enough for one and a half Representatives.

Arkansas was admitted in 1836. The nearest census year we come to that is 1840. The ratio in 1840 was 70,680, and at that time Arkansas had a population of 97,574, showing that Arkansas had ample population for a Representative in Congress at the time she was admitted, according to the ratio that was then existing.

Texas was admitted in 1845. I have no statistics as to the population, but in 1850, five years afterwards, she had a population of 212,423.

Iowa was admitted in 1846. Mr. President, I have here a table showing the date of the admission of the several States west of the Mississippi River, the ratio of population for a Representative in Congress for each census period from 1790 down to and including 1900, and showing also the population of the several States. I am anxious to save the time of the Senate, and therefore I ask that this table may be printed as part of my remarks and as a reply to the remarks of the Senator from Idaho [Mr. DUBOIS].

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and that order is made.

The table referred to is as follows:

Population of the United States at each census from 1790 to 1900.

State.	Date of act of admission.	Ratio.....	33,000	33,000	35,000	40,000	47,700	70,680	93,423	127,381	131,425	151,911	173,901	194,182
			1790.	1800.	1810.	1820.	1830.	1840.	1850.	1860.	1870.	1880.	1890.	1900.
Louisiana.....	1812.....	White.....			34,311	73,383	89,441	158,457	255,491	357,629	362,705	456,291	559,389	730,821
		Colored.....			42,245	79,540	126,298	193,954	282,271	350,373	364,210	483,655	559,198	650,804
Total.....					76,556	152,923	215,739	352,411	517,762	708,002	726,915	939,946	1,118,587	1,381,625
Missouri.....	1821.....	White.....			17,227	55,988	114,795	323,888	592,004	1,063,509	1,603,224	2,023,090	2,529,000	2,945,431
		Colored.....			3,618	10,569	25,680	59,814	90,040	118,503	118,071	145,350	150,184	161,234
Total.....					20,845	66,557	140,455	383,702	682,044	1,182,012	1,721,295	2,168,380	2,679,184	3,106,665
Arkansas.....	1836.....	White.....				12,579	25,671	77,174	162,189	324,191	332,902	591,859	819,062	944,708
		Colored.....				1,676	4,717	20,400	47,708	111,259	122,169	210,696	309,117	386,856
Total.....						14,255	30,388	97,574	209,897	435,450	454,471	802,525	1,128,179	1,331,564
Texas.....	1845.....	White.....							154,094	421,294	565,104	1,198,395	1,747,352	2,427,988
		Colored.....							58,558	182,921	253,475	393,384	488,171	620,722
Total.....									212,652	604,215	818,579	1,591,749	2,235,523	3,048,710
Iowa.....	1846.....	White.....						42,924	191,881	673,844	1,188,258	1,615,099	1,901,211	2,219,160
		Colored.....						188	333	1,069	5,762	10,685	12,693	
Total.....								43,112	192,214	675,913	1,194,020	1,624,615	1,911,896	2,231,853
California.....	1850.....	White.....							91,635	375,908	555,975	858,676	1,196,802	1,474,008
		Colored.....							962	4,086	4,272	6,018	11,328	11,045
Total.....									92,597	379,994	560,247	864,694	1,208,130	1,485,053
Minnesota.....	1858.....	White.....							6,068	171,764	438,947	779,209	1,208,143	1,746,435
		Colored.....							89	259	759	1,564	8,683	4,959
Total.....									6,077	172,023	439,706	780,773	1,208,826	1,751,394
Oregon.....	1859.....	White.....							13,087	52,337	90,577	174,281	312,581	412,435
		Colored.....							207	128	346	487	1,186	1,101
Total.....									13,294	52,465	90,923	174,768	313,767	413,536

Population of the United States at each census from 1790 to 1900—Continued.

State.	Date of act of admission.	Ratio.....	33,000	33,000	35,000	40,000	47,700	70,680	93,423	127,381	131,425	151,911	173,901	194,182
			1790.	1800.	1810.	1820.	1830.	1840.	1850.	1860.	1870.	1880.	1890.	1900.
Kansas.....	1861.....	White.....								106,579	347,291	952,989	1,377,386	1,418,492
		Colored.....								627	43,107	43,107	49,710	52,003
Total.....										107,206	364,399	996,096	1,427,096	1,470,495
Nevada.....	1864.....	White.....								6,812	42,134	61,778	45,519	42,201
		Colored.....								45	357	488	242	134
Total.....										6,857	42,491	62,266	45,761	42,335
Nebraska.....	1867.....	White.....								78,759	122,204	450,017	1,049,997	1,060,041
		Colored.....								82	789	2,385	8,913	6,259
Total.....										28,841	122,993	452,402	1,058,910	1,066,300
Colorado.....	1875.....	White.....								34,231	39,408	181,892	405,963	531,130
		Colored.....								46	456	2,435	6,215	8,570
Total.....										34,277	39,864	194,327	412,178	539,700
North Dakota.....	1889.....	White.....								4,837	14,087	134,776	182,346	318,860
		Colored.....									94	401	873	286
Total.....										4,837	14,181	135,177	182,719	319,146
South Dakota.....	1889.....	White.....											328,267	401,105
		Colored.....											541	465
Total.....													328,808	401,570
Montana.....	1889.....	White.....									20,412	38,813	130,659	241,806
		Colored.....									183	346	1,490	1,523
Total.....											20,595	39,159	132,159	243,329
Washington.....	1889.....	White.....								11,564	23,748	74,791	347,788	515,589
		Colored.....								30	207	325	1,602	2,514
Total.....										11,594	23,955	75,116	349,390	518,103
Wyoming.....	1890.....	White.....									8,935	20,491	59,783	91,591
		Colored.....									183	298	922	940
Total.....											9,118	20,789	60,705	92,531
Idaho.....	1890.....	White.....									14,939	32,557	84,184	161,479
		Colored.....									60	53	201	293
Total.....											14,999	32,610	84,385	161,772
Utah.....	1894.....	White.....							11,330	40,214	86,668	143,731	207,317	276,077
		Colored.....							50	59	118	232	588	672
Total.....									11,380	40,273	86,786	143,963	207,905	276,749

Mr. LODGE. Mr. President—

Mr. DUBOIS. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly.

Mr. DUBOIS. The Senator from Massachusetts, as I understood him, took the position that no State should be admitted unless it had sufficient population to give it representation in the House of Representatives. I may have been too sweeping in the statement that comparatively few States at the time of their admission had sufficient population to entitle them to such representation; but I call the attention of the Senator from Minnesota and of the Senator from Massachusetts to the fact that among the recently admitted States west of the Rocky Mountains Wyoming had 60,000 population when it was admitted, Idaho had 80,000, and Montana considerably less than enough to entitle it to representation in the House of Representatives. Half of the States which have been admitted for the last twenty-five years have not had at the time of their admission nearly sufficient population to entitle them to representation in the other House of Congress. Therefore I ask the Senator from Massachusetts if he is now establishing a new precedent? Population has not by any means been the only consideration in the past.

Mr. LODGE. Mr. President, I did not say so. I said that a Territory seeking admission as a State ought to have such a population. The old rule laid down, as pointed out in the report of the committee, and the rule that we were supposed to live up to, was that a Territory to be admitted should have the population of a Congressional district. That was observed in some cases, but in many other cases it has not been observed as the population necessary to constitute a Congressional district has increased. I think that though the line as drawn was perfectly arbitrary, still there was some reason in it. I think that a State ought to have a population equal to that of a Congressional district before it has in the Senate the representation of two Senators and in the House the representation of one Member. I think that is very little to ask.

But I was trying to argue that the question of population was one in regard to which discretion was necessary. We have no definite precedent; we have no definite law about it. We have to exercise a certain reasonable discretion. We do not wish to ask too much, but we ought to ask enough so that the disparity between the State's representation here and its great power in this Chamber and that which it possesses in the other Chamber shall not be too glaring.

Mr. President, I have occupied the floor for more than two hours and a half; I am tired, and I shall be obliged to leave the Chamber in a very short time. So I shall ask the indulgence of the Senate that I may complete to-morrow what I have to say.

Mr. ALDRICH. Mr. President, I do not think the Senator from Massachusetts should be required to go on to-night. I think it is desirable that we should have a short executive session before adjournment; but before making that motion, I desire to ask for a unanimous-consent agreement of the Senate.

But four or five weeks of the present session remain; there is much public business that should be done; and I will ask unanimous consent that, commencing to-morrow, the unfinished business, the statehood bill, shall be taken up at 2 o'clock and be kept before the Senate, subject to appropriation bills and conference reports, until the usual hour of adjournment, in the neighborhood of 6 o'clock. Then we should have the morning hour to be devoted to business on the Calendar and to doing executive business.

I make that request because I believe it will facilitate the business of the Senate, and that we shall not profit anything by going on in the way we have been going on in the last twenty-four or forty-eight hours.

Mr. QUAY. Mr. President, as at present advised I can not consent to the suggestion of the Senator from Rhode Island. If the Senator from Rhode Island will include in his request for unanimous consent an arrangement for fixing an hour for taking the final vote on the statehood bill, I will assent to it.

Mr. ALDRICH. I am not in charge of the statehood bill or of

the opposition to the statehood bill, and therefore I can not make any such arrangement.

Mr. QUAY. Then I object to the request.

The PRESIDENT pro tempore. Objection is made.

Mr. ALDRICH. Then I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. On that motion I call for the yeas and nays.

Mr. QUAY. Mr. President—

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business. That motion is not debatable.

Mr. BEVERIDGE. I call for the yeas and nays.

Mr. QUAY. Mr. President, I suggest that there is not a quorum present in the Senate.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Clark, Wyo.	Harris,	Morgan,
Alger,	Cockrell,	Hoar,	Penrose,
Allison,	Cullerson,	Jones, Ark.	Perkins,
Bacon,	Cullom,	Jones, Nev.	Quay,
Bate,	Dubois,	Kean,	Simmons,
Berry,	Elkins,	McEnery,	Stewart,
Blackburn,	Foraker,	McLaurin, Miss.	Taliaferro,
Burrows,	Frye,	Mallory,	Tillman,
Burton,	Gallinger,	Martin,	Wellington.
Carmack,	Gibson,	Mason,	

Mr. SIMMONS. I desire to announce that my colleague [Mr. PRITCHARD] is absent on account of illness.

Mr. McLAURIN of Mississippi. I wish to announce that my colleague [Mr. MONEY] is unavoidably absent on account of sickness in his family.

The PRESIDENT pro tempore. Thirty-nine Senators have responded to their names.

Mr. QUAY. Mr. President, I have no desire to send for absent Senators this evening, and I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 29, 1903, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 28, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

### CORRECTION.

Mr. GRIGGS. Mr. Speaker, on the final vote in the House yesterday on Senate bill 8287, to increase the salaries of the judges of the United States courts, I find that I am not recorded as paired. I was paired with the Representative from California [Mr. LOUD], who so understood, and did not himself vote.

### APPOINTMENTS BY THE SPEAKER.

The SPEAKER laid before the House the announcement of the following appointments:

To be members of the Memorial Association of the District of Columbia (27 Stat. L., p. 396), John W. Douglas and Charles J. Bell.

To be members of the Temporary Committee on Accounts (28 Stat. L., p. 768), Mr. HILDEBRANT of Ohio, Mr. HUGHES of West Virginia, and Mr. BARTLETT of Georgia.

DANIEL P. MARSHALL.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 15069) to increase the pension of Daniel P. Marshall.

The amendment was read.

Mr. SULLOWAY. I move that the House concur in the amendment of the Senate.

The motion was agreed to.

### CONTAGIOUS DISEASES OF LIVE STOCK, ETC.

The SPEAKER also laid before the House, with amendments of the Senate, the bill (H. R. 15922) making appropriations for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

The amendments were read.

Mr. WADSWORTH. I move concurrence in the amendments of the Senate.

The motion was agreed to.

### BANKRUPTCY.

The SPEAKER. The Chair also lays before the House, in pursuance of the order made two days ago, Senate amendments to the House bill (18679) for the amendment of the bankruptcy

law. These amendments have been once read to the House, and if there is no demand now, the reading will be omitted. The Chair hears no such request.

Mr. JENKINS. I move that the House concur in the Senate amendments. I desire to call the attention of my friend from Alabama [Mr. UNDERWOOD] to this motion.

Mr. UNDERWOOD. I ask the gentleman to yield to me.

Mr. JENKINS. How much time?

Mr. UNDERWOOD. About ten minutes.

Mr. JENKINS. I yield ten minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I am opposed to the motion to concur in the amendments of the Senate to this bill amending the bankruptcy act, because if we concur at this time, that action passes the bill; and I do not believe that we shall get any other remedial legislation for many years to come. I think that the House ought to make an effort to have its bill passed as it left the House, or at least that we ought to insist on some of the House provisions which I believe to be very vital and very necessary. There is only one way in which that can be done, and that is for this House to nonconcur and send the bill to conference. Of course this does not necessarily mean that the bill will entirely fail if we send it to conference, because if our conferees should be unable to get the Senators to agree with the position the House has taken in this matter, we shall yet have the opportunity to concur.

Now, I understand from the gentleman in charge of the bill that the Senate refuses to consider anything that comes from this side of the House on this subject—insists that we ought to concur now, or the bill will fail. Well, I have not heard that statement made very often in reference to bills coming back here from the Senate; but I think we ought to send the bill to a conference and let the Senate conferees send their message directly and officially back to this House before we tamely submit and accept the terms that they dictate in the matter.

There is one provision of the House bill which has been stricken out by the Senate in which I feel a very vital interest. It is a matter that affects my own State particularly and may affect some other States in the Union, although there are some that will not be affected. In the State of Alabama we have an exemption of \$1,000 on personal property. That exemption is very large. With that we have included an exemption of \$2,000 worth of real estate; so there is \$3,000 exempt to every man in the State of Alabama. If you were to distribute that exemption equally among all the citizens of the State of Alabama, there is not enough property in the State to equal the aggregate amount of the exemption; in other words, a sheriff could never levy an execution in the State of Alabama if such a distribution were made. Now, the constitution and laws of the State of Alabama provide that this exemption may be waived, so that the debtor may obtain credit if he has not over \$3,000 worth of property. I was on the Judiciary Committee when the original bankruptcy law was prepared, and I know it was not the intention of that committee at that time to interfere with the local exemption law of the State. It was no intention of ours to have the bankruptcy court interfere with the right of a debtor to waive his exemption.

Under the decisions of the court, Mr. Speaker, they have held that notwithstanding the State law allows a man to waive his exemptions, yet if he voluntarily takes advantage of the bankruptcy act and goes into the bankrupt court he may claim his exemptions against these waived notes or against this waiver on exemptions. In other words, he may have a thousand dollars' worth of personal property and write a note in which he says, "I will waive my personal exemptions if you will give me credit in the State of Alabama," and after he has waived that exemption, treated with me to that effect, and borrowed my money on that waiver, he can turn around under the decisions of the United States courts, go into the bankrupt court, and claim his exemption and defraud me of my money, which I have given him on the face of the credit of his having waived that exemption. Now, I say that when this bill was before the House we put in it a provision preventing the courts of the United States from interfering with the State laws on the exemption question.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. BARTLETT. Is it not true that the Supreme Court of the United States has not yet decided the question to which the gentleman refers, and that the various circuit courts and the circuit court of appeals are divided upon the question?

Mr. UNDERWOOD. Well, it has not reached the Supreme Court. I understand that in the district courts there has been some division. I have not heard of any division in the court of appeals.

Mr. BARTLETT. Yes.